

FEDERAL REGISTER

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Washington, Wednesday, November 5, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9902

ESTABLISHING A SEAL FOR THE DEPARTMENT OF THE AIR FORCE

WHEREAS section 207 (g) of the National Security Act of 1947, approved July 26, 1947 (Public Law 253, 80th Congress 1st Session), provides, in part, that the Secretary of the Air Force shall cause a seal of office to be made for the Department of the Air Force of such device as the President shall approve; and

WHEREAS the Secretary of the Air Force has caused to be made and has recommended that I approve a seal the design of which accompanies and is hereby made a part of this order, and which is described in heraldic terms as follows:

SHIELD: Per fess nebuly abased azure and argent, in chief a thunderbolt or inflamed proper.

CREST: On a wreath argent and azure an American bald eagle, wings displayed and partially elevated proper in front of a cloud argent.

Encircling the shield and crest an arc of thirteen stars and below the shield the inscription "MCMXLVII".

On a band encircling the whole the inscriptions "Department of the Air Force" and "United States of America".

When illustrating the seal in color the background shall be ultramarine blue, the shield a light blue and white, and the thunderbolt in gold with flames in natural color. The twists of the wreath shall be alternated white and blue, and the eagle shall be in natural color in front of a white cloud. The thirteen stars shall be white, and the Roman numerals shall be gold. The encircling band shall be white edged in gold with black letters.

AND WHEREAS it appears that such seal is of suitable design and is appropriate for establishment as the official seal of the Department of the Air Force:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the said section 207 (g) of the National Security Act of 1947, I hereby approve such seal as the official seal of the Department of the Air Force.

This order shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 1, 1947.



[F. R. Doc. 47-9874; Filed, Nov. 3, 1947; 10:54 a. m.]

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

[Administrative Order 60]

PART 3—SAFEGUARDING ACCOUNTS, RECORDS, INFORMATION, AND FURNISHING COPIES

OCTOBER 31, 1947.

General Regulations No. 24, dated April 11, 1923, and No. 38, dated November 15, 1924, and Circular No. 4, dated April 4, 1922, prescribing the procedures relative to furnishing copies of records in the custody of the General Accounting Office or information therefrom (4 CFR, Part 3), are hereby rescinded and the following procedures are prescribed in lieu thereof:

- Sec.
- 3.1 Preservation of records.
 - 3.2 Access to files and examination of records.
 - 3.3 Withdrawal, removal, or alteration of records.

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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1946 SUPPLEMENT to the CODE OF FEDERAL REGULATIONS

The following books are now available:

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Book 4: Titles 32 through 37.

Book 5: Titles 38 through 48.

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at \$3.50 per copy.

A limited sales stock of the 1945 Supplement (4 books) is still available at \$3 a book.

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AUTHORITY: §§ 3.1 to 3.8, inclusive, issued under secs. 306 and 311 (f), 42 Stat. 24, 25; 31 U. S. C. 46 and 52 (f).

§ 3.1 Preservation of records. Documents and papers of whatever nature in

the custody of the General Accounting Office pertaining to or forming a part of any claim or account settled or in the process of settlement by the General Accounting Office, except original certificates of discharge from the Army, Navy, Marine Corps, and Coast Guard, original birth and marriage certificates, or other purely personal documents, shall be preserved by the General Accounting Office.

§ 3.2 Access to files and examination of records. No persons other than officials and employees of the General Accounting Office and others authorized by law, in the regular discharge of their official duties, shall be allowed access to or furnished information from the files and records in the custody of the General Accounting Office without the previous written authority of the Comptroller General, except that claimants and accountable and certifying officers, and other persons having a direct and immediate interest in the transaction, or their duly authorized attorneys or legal representatives, may be permitted to examine their claims or accounts upon a satisfactory showing as to the reasons therefor and under proper supervision. In no case shall information be given that may be made the basis of a claim against the United States, except in the proper discharge of official duties.

§ 3.3 Withdrawal, removal, or alteration of records. No records or papers forming a part of any account or claim shall be released from the custody of the General Accounting Office except upon the written permission of the Comptroller General. However, any additional papers, etc., which may be regarded as necessary to supplement or correct the records may be presented and filed. Nor shall any such document be marked, altered, or otherwise mutilated, or its value as evidence affected, impaired, or destroyed. Also, such documents should not be presented as evidence or otherwise used in any manner by reason of which they may lose their identity as official records of the General Accounting Office. However, since certified copies are competent evidence equally with the originals (42 Stat. 24, 31 U. S. C. 46), they should be submitted for use as evidence.

§ 3.4 Presentation of original documents for examination and loaning of records. Whenever copies of documents will serve the required purpose the originals thereof will not be removed from the General Accounting Office. When it is impracticable to furnish copies, original documents will be presented for examination in the custody of an employee of the General Accounting Office, or under conditions heretofore or hereafter approved by the Comptroller General may be loaned to proper officials upon written receipt, which shall include an acknowledgment of accountability therefor. Where original documents are presented for examination or loaned, it is expected that they will be maintained in the same condition as when removed from the files of the General Accounting Office.

§ 3.5 Availability of original documents for court purposes. Whenever the

originals of any documents are desired by or on behalf of parties to a suit in any court they will be made available only to the court in response to a subpoena or request from the court, which should be directed to the Comptroller General of the United States and served upon the Chief Clerk of the General Accounting Office.

§ 3.6 Furnishing copies of records, documents, etc. Copies of any books, records, papers, or documents and transcripts or information from the books and proceedings of the General Accounting Office will be furnished only upon the submission of a written statement satisfactorily showing the purpose and necessity therefor. Requests for such copies of records and transcripts should be addressed to the Chief, Reconciliation and Clearance Division, General Accounting Office, Washington 25, D. C., in connection with all matters except those pertaining to the Post Office Department and the Postal Service, which requests should be addressed to the Chief, Postal Accounts Division, General Accounting Office, Asheville, North Carolina. Certified copies will be furnished where required. Exceptions to the foregoing may be made only on the written approval of the Comptroller General. However, under the provisions of the "Miller" Act of August 24, 1935, 49 Stat. 794, 40 U. S. C. 270 (c), copies of documents will be furnished to proper parties in interest, or their authorized attorneys, upon application therefor.

§ 3.7 Furnishing copies of records or transcripts for court purposes. Where copies of records or transcripts are desired by or on behalf of parties to a suit in court, certified copies or transcripts shall be furnished only to the court in response to a subpoena or request from the court therefor, which should be addressed to the Comptroller General of the United States and served upon the Chief Clerk of the General Accounting Office.

§ 3.8 Charges for furnishing copies of records and certifications thereof. Charges for furnishing copies of official records or certifications thereof shall be made in accordance with the following:

(a) 50 cents for each photostatic sheet of checks, money orders, contracts, bonds, vouchers, and other documents; except that for copies of contracts or other similar multiple sheet documents furnished the charge shall be 50 cents for each of the first four sheets and 25 cents for each sheet furnished in addition thereto;

(b) \$1.00 for each certification of authenticity of copies of records;

(c) \$1.00 for each certification of the date of final settlement of a contract pursuant to section 3 of the "Miller" Act of August 24, 1935, 49 Stat. 794;

(d) No charge shall be made for copies of records or certifications of authenticity furnished for official use by any court or officer of any branch of the United States Government.

LINDSAY C. WARREN,
Comptroller General
of the United States.

[F. R. Doc. 47-9842; Filed, Nov. 4, 1947; 8:52 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

The regulations under this chapter are reissued as set forth below. All amendments which have been made since May 1, 1947, the effective date of the original codification, through November 5, 1947, have been incorporated in this reprint.

This reprint was prepared by the Division of the Federal Register with the concurrence of the President of the United States Civil Service Commission, who has examined the contents for completeness and accuracy.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

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- 02 Functions of the Commission.
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 - 2 Appointment through the competitive system.
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AUTHORITY: §§ 01.1 to 01.20, inclusive, issued under sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633.

THE COMMISSION AND STAFF ACTIVITIES

§ 01.1 *The Commission.* (a) The Commission is composed of three Commissioners appointed by the President, by and with the consent of the Senate, and removable by him. One member is designated by the President to be President of the Commission. The Commissioners, not more than two of whom may be adherents of the same political party, make final decisions on matters of policy, organization and administration within the Commission. They also serve, through the Liaison Officer for Personnel Management, as advisers to the President in personnel matters.

(b) The Commissioners in some cases act as a quasi-judicial body in reviewing and making final determinations on appeals of individuals and agencies from decisions made by officials of the Commission, and from certain decisions by officials of other agencies.

§ 01.2 *Executive Director and Chief Examiner.* The Executive Director and Chief Examiner is the chief technical and administrative official of the Commission. He has authority to take final action on matters covered by established policy and regulations. On other matters on which the Commissioners themselves make the final determination he reviews the recommendations prepared by the various divisions of the Commission and submits advisory opinions and recommendations. He represents the Commission in conferences and negotiations with representatives of other Government agencies, interpreting the regulations and policies of the Commission to officials and advising them in personnel policies and major personnel problems.

§ 01.3 *Executive Assistant to the Commissioners.* The Executive Assistant to the Commissioners presents to the Commission for action cases handled in the divisions; advises Members of Congress, Government officials and others on civil-service matters; performs special assignments at the direction of the Commission, and handles other administrative functions.

§ 01.4 *Chief, Field Operations.* The Chief, Field Operations, supervises the

operations and procedures of the Commission's regional offices and coordinates their work with the divisions of the central office.

§ 01.5 *Chief Law Officer.* The Chief Law Officer advises the Commission, the Executive Director and Chief Examiner and division chiefs on legal questions pertinent to Commission policies and operations. He is responsible for drafting or reviewing drafts of legislation, Executive orders and regulations. He adjudicates appeals of veteran preference eligibles that are filed under the Veterans' Preference Act of 1944. He is responsible for the enforcement of the statutes and civil service rules relating to political activity of Federal and State employees. With respect to State employees he authorizes and is responsible for the investigation of complaints, the filing of charges, where the report of investigation so warrants, and the presentation of the Commission's side of the case before the hearing examiner when hearings are held. With respect to Federal employees he authorizes and is responsible for the investigation of complaints, the filing of proposed orders, where the report of investigation so warrants, and, in cases in which no hearing is held, recommending final decision to be made.

CROSS REFERENCE: For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

§ 01.6 *Information Division.* The Information Division furnishes to newspapers and magazines information regarding the Commission and the Federal civil service; prepares articles on these subjects for encyclopedias and other reference books; reviews manuscripts on these subjects which are submitted by publishing concerns or by individual writers; prepares informational booklets; prepares radio scripts and other public-address material, answers oral and written inquiries from the public regarding (a) the general activities of the Commission and (b) opportunities for employment in the Federal service; compiles the "Official Register of the United States".

§ 01.7 *Veterans' Service Section.* The Veterans' Service Section serves at the Commission's staff unit concerning policies and procedures with respect to the employment and reemployment of veterans; preferences granted veterans in Federal employment; legislation affecting the employment of veterans in the Federal service; and the maintenance of good public relations with veterans, veterans organizations, government agencies, legislative bodies and the public generally. Information may be obtained from and requests and submittals may be made to the Central Office in Washington or any one of its fourteen regional offices. These matters may be presented in any general written form.

§ 01.8 *Board of Appeals and Review.* (a) The Board of Appeals and Review in the Central Office of the Commission was created by official action of the

Commission November 26, 1930. The Board has four members, one of whom, designated the Chairman, is the chief administrative officer of the Board. Only three members act on any one case. The Board has jurisdiction to entertain appeals on any matter adversely affecting eligibility, rights and/or interests arising under any law (except cases arising under sec. 12 (a) of the Hatch Act of August 2, 1939, as amended July 19, 1940, 53 Stat. 1147, 54 Stat. 767; 18 U. S. C. 61e), rule or regulation administered by the Commission: *Provided*, That the matter previously has been finally acted upon and decided at the highest reviewing level in the division or office (departmental or field) having original jurisdiction. The Board, however, has jurisdiction to entertain appeals from the initial adverse action in ratings in postmaster examinations, adverse decisions on actual residence in postmaster and rural carrier examinations, findings by the Fourth Regional Branch Office in Washington, D. C., of unsuitability for Federal employment, adverse decisions on claims for benefits under the several retirement acts administered by the Commission, and appeals involving alleged discrimination because of race, creed, color or national origin.

(b) In those cases where the adverse action on appeal was taken by the Executive Director and Chief Examiner or by the Commissioners, and in appeals from the findings and recommendations of the Chief Law Officer or a regional director in cases arising under section 14 of the Veterans' Preference Act of 1944, the Board processes, analyzes, and submits the case with its recommendation to the Commissioners who make the final decision on the appeal.

(c) Laws, rules, regulations, matters of Commission policy, examination specifications, standards of rating, and standards of classification are not subject to appeal.

(d) Appeals are not required to be in any particular form and should be directed to the Chairman, Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C.

CROSS REFERENCE: For Rules of Practice in cases arising under section 12 (a) of the Hatch Act, see Part 23 of this chapter.

For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

OPERATING ACTIVITIES

§ 01.9 *Examining and Placement Division*—(a) *Organization*. Responsibility for the functions connected with recruitment, examining and certification for positions in the departmental service in Washington, D. C., and for certain field positions, when public announcement to that effect is made, is vested in the Chief of the Examining and Placement Division and his staff. The Chief of the Division is also responsible for recommending to the Commission necessary changes in policies and practices regarding recruitment, examining and certification.

The operating sections of the divisions with their responsibilities and functions are as follows:

(1) *The Clerical Placement and Services Section*. This section prepares and

distributes publicity for examination announcements on a nation-wide basis, receives and reviews applications for such examinations (except those announced on behalf of Regional Offices or Boards of U. S. Civil Service Examiners in the field), rates machine-scored examinations, prepares and maintains lists of eligibles for all positions in the departmental service in Washington, D. C. (except those handled by Committees of Expert Examiners), issues certificates of eligibles therefrom and audits the agencies' selections from such certificates. It maintains an information center for public inquiries regarding civil service examinations and answers other questions regarding Federal employment. In addition the section arranges for examinations for admission to the United States Military and Naval Academies, when requested, as a courtesy to Members of Congress to aid them in making selections for appointments thereto and administers examinations for the foreign service of the State Department.

This section and the other sections of the division are subdivided into examining units which deal specifically with particular types of examinations. The responsibilities of examining units are as follows:

(i) Surveys agencies for anticipated needs for employees in the occupational fields with which the unit is concerned.

(ii) Plans recruiting programs in advance of needs.

(iii) Prepares standards for examinations for all positions in its field in the Federal service and noncompetitive standards for transfer, promotion and reinstatement and for positions under Schedule A and B where necessary. (Schedule A is a list of positions to which departments and agencies may make appointments without competitive examinations; Schedule B is a list of positions to which departments and agencies may make appointments as a result of noncompetitive examination.)

(iv) Passes on qualifications for Schedule A and B appointments in its occupational fields if necessary and advises for qualifications for transfer, promotion and reinstatement.

(v) Cooperates with the Commissioners of the District of Columbia in observing the agreement regarding filling of positions in the District of Columbia Government.

(vi) Determines qualifications necessary to fill positions for which no register is appropriate and prepares a certificate of eligibles for such positions.

(vii) Acts or recommends action on agency objections or passing over of veterans, based on qualifications.

(2) *The Physical Science Placement Section*. This section comprises the examining units having responsibilities similar to those set forth above, with respect to positions in the engineering and allied fields, the physics, chemistry and related occupational areas and in the industrial and skilled trades. The Postal Examining Unit of this section performs all the functions of the examination program from the announcement of the examination to the audit of certificate.

(3) *The Social Science Placement Section*. This section comprises the examination units having responsibilities with respect to positions in the fields of social services, economics, accounting and allied occupations, and the various phases of administrative management.

(b) *Delegations of authority*—(1) *To the division*. With respect to the functions set forth above the Examining and Placement Division has over-all responsibility for the development of plans and programs and for the establishment of procedures and standards applying both to regional offices (including Boards of U. S. Civil Service Examiners) and the Central Office (including Committees of Expert Examiners). It has direct operating responsibility for the recruiting, examining and placement programs in the departmental service in Washington, D. C., except insofar as any functions connected with these activities have been delegated to Committees of Expert Examiners as explained below.

(2) *By the division*—(i) *To Regional Offices*. Development of assembled examination material for field examinations under the jurisdiction of the Regional Offices or Boards of U. S. Civil Service Examiners, in the absence of appropriate standardized examination material, preparation of examining standards (specifications) for field positions, in the absence of approved specifications; modification of examination specifications by agreement with representatives of the agency (in the absence of a specific prohibition).

(ii) *To departments and agencies*. Certain phases of the review of applications involving acceptability from the standpoint of legal requirements for Federal service, for example, proof of citizenship, proof that the requirement limiting the number of members of the same family who may be employed in the Federal service has been met, proof of military service and honorable discharge in case of five point war veterans; audit of declaration of appointees; determination of experience, training, or educational qualification for transfer, reinstatement, or promotions (under standards and with limitations prescribed by the Commission); where a Committee-type examination is involved, maintenance of the registers of eligibles, certification of eligibles, and audit of reports on certificates (exclusive of authority to act on objections or to determine the sufficiency of reasons for passing over veterans).

(iii) *To committees of expert examiners*. Where a Committee-type examination is involved, rating of hand-scored assembled or unassembled examination papers; securing of corroborative information regarding experience; acting on original appeals on ratings other than the written test in machine-scored examinations; preparing registers (subject to Commission approval); considering objections offered by the appointing officer and making final decision that objections may not be sustained.

(iv) *To the District of Columbia government by agreement between the District of Columbia Commissioners and the Civil Service Commission*. Authority to effect appointments to lower grade posi-

tions in the District of Columbia Government in the absence of local eligibles on the Commission's registers (without audit of qualifications by the Commission).

(c) *Method of securing and source of information.* (1) For positions under the jurisdiction of the central office, whether Commission controlled or committee type, questions may be addressed in writing to the United States Civil Service Commission, Washington 25, D. C. Inquirers may call in person at the Information Office maintained by the Examining and Placement Division at 7th and F Street, N. W. Such inquiries may concern Civil Service examinations, that is, for what positions applicants may apply, how and where to file applications, what qualifications are required, etc.; requirements for veterans' preference, citizenship and age; ratings; employment opportunities in the Federal service during the periods preceding the establishment of appropriate registers for the majority of positions; types of written examinations, methods of rating, contents and form of questions, etc. The information available to the general public is restricted to that published in the examination announcement and the accompanying sample questions, if any, so that the secrecy of the examination materials may be preserved.

(2) Complaints should be in writing and should be addressed to the United States Civil Service Commission, Washington 25, D. C. Examples of types of complaints:

(i) Complaints regarding publicity given, admission to or conduct of central office examinations.

(ii) Complaints with regard to discrimination because of race, color or religious or political affiliations in connection with central office examinations.

(iii) During the period in which agencies are authorized to handle recruiting, examining and placement for positions under their jurisdiction pending establishment of a register appropriate to the particular position, complaints with regards to agency noncompliance with the policy and procedures established by the Commission for agency guidance, so far as positions in the departmental service are concerned.

(iv) Complaints of veterans with regard to agency action in passing over their names for positions in the departmental services. Such complaints may be presented by the veteran or his authorized agent either in writing, addressed to the United States Civil Service Commission, Washington 25, D. C., or to the Commission's Information and Interview Office, 7th and F Streets NW. In either case the Commission's action is limited to the authority granted by the Veterans' Preference Act of 1944 to present to the veteran or his authorized representative a copy of the agency's reasons for passing over his name and the Commission's recommendation to the agency with respect to the sufficiency of the reasons.

(3) Appeals from ratings assigned as a result of examination are handled originally in the unit that assigned the rating. Appeals in writing from Commission-controlled examinations for po-

sitions in the departmental service (identified by the name of the United States Civil Service Commission, Washington, D. C., as the issuing agency on the notice of rating CSC Form 4008 or equivalent form) should be addressed to the United States Civil Service Commission, Washington 25, D. C. Appeals in person should be addressed to the examiner-in-charge of the appropriate examining unit.

Appeals from committee-type examinations for positions in the departmental service (identified by the name of the issuing agency, other than the Commission, preceded by the words "Committee of Expert Examiners" on the Notice of Rating, (CSC Form 4008 or equivalent form), should be presented in writing to the Committee on Expert Examiners concerned at the agency named in the Notice of Rating or equivalent form.

Appeals from the final decisions rendered by the Examining and Placement Division or the Committee of Expert Examiners should be submitted in writing to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D. C.

§ 01.10 *Personnel Classification Division*—(a) *Organization.* The Personnel Classification Division is organized into five sections the functions of which are as follows:

(1) *Washington Section.* (i) Investigates the duties and responsibilities of positions in the departmental service within the scope of the Classification Act of 1923, as amended (5 U. S. C. 661ff.), and allocates them to services, grades, and classes.

(ii) Conducts classification surveys of organizations in the departmental service.

(iii) Postaudits for compliance with Commission's requirements, reports of vice changes, additional identical positions, and combined position descriptions submitted by Federal Agencies.

(iv) For the duration of the emergency, considers and makes recommendations on position classification appeals in the departmental service.

(v) Processes all classification sheets, appeals and requests for reconsideration before and after allocation decisions have been made.

(2) *Standards and Special Studies Section.* (i) Prepares and issues class specifications and statements of allocation standards under the Classification Act and Executive Order No. 9512; and gives technical supervision to the standards development work of the regional offices.

(ii) Prepares and revises the Handbook of Occupational Groups and Series of Classes.

(iii) Advises on all problems in which classification standards are involved.

(iv) Makes special studies on classification or compensation problems of the Government service.

(v) Prepares Departmental Circulars, Commission Letters and technical memoranda dealing with allocation standards, class titles, and the establishment or revision of classes.

(3) *Efficiency Ratings Administration Section.* (i) Establishes efficiency rat-

ing systems applicable to all employees in the field and departmental services compensated under the pay scales of the Classification Act of 1923 as amended and cooperates with agencies in their administration of the uniform efficiency rating system.

(ii) Administers the Board of Review program including the preparation and promulgation of regulations and procedures governing efficiency rating appeals, and provides chairmen for such boards.

(iii) Reviews and recommends decisions on agency requests for approval of proposed action, in the field or departmental service, to reduce in salary, demote, or separate employees on the basis of "Fair" or "Unsatisfactory" efficiency ratings.

(iv) Establishes uniform reduction in force procedures; reviews proposed reductions in force and considers appeals from such action in the departmental service.

(v) Reviews and approves grievance procedures proposed by the Federal agencies.

(vi) Prepares regulations and procedures dealing with (a) periodic within-grade salary advancements and (b) additional within-grade advancements as rewards for superior accomplishment. Preaudits, for compliance with regulations, proposed rewards submitted by departments or agencies. On the basis of plans approved by the Commission, recommends delegation, and when necessary revocation of delegation, of authority to heads of departments and agencies for prior approval of these rewards. Postaudits all actions by departments to insure compliance with the regulations. Compiles an annual consolidated report for presentation to the Congress.

(4) *Field Section.* (i) Gives technical supervision to the work of regional officials in making postaudit reviews of field allocations for conformance with standards issued by the Commission.

(ii) Inspects the work of the regional classification divisions for compliance with established policies and procedures, understanding of the various classification programs, and operating effectiveness; and follows up on delays or inadequacies.

(iii) Issues instructions to regional offices on classification policies, procedures and practices; assists regional offices in the installation of new classification programs or procedures; develops methods and materials for training field classification staffs; and performs other field supervisory functions assigned by the Chief of Division.

(iv) Advises agencies on general problems relative to classification and compensation of position in the field service.

(v) Under the authority and conditions prescribed in section 401 of the Federal Employees Pay Act of 1945 (59 Stat. 295), conducts studies to recommend the establishment of higher minimum rates of pay for particular classes of positions within the ranges of pay fixed by the Classification Act of 1923.

CROSS REFERENCE: For regulations under the Federal Employees Pay Act of 1945, see Part 25 of this chapter.

(vi) Recommends maximum stipends for positions in hospitals, hospital clinics or medical or dental laboratories owned or operated by the Federal Government primarily for training purposes which are excluded from the Classification Act of 1923, as amended, by Executive Order No. 9750.

CROSS REFERENCE: For regulations establishing maximum stipends for trainees in Government hospitals, see Part 27 of this chapter.

(vii) Prepares or reviews regulations, Departmental Circulars, Commission Letters, and/or chapters of the Federal Personnel Manual and the Commission's Manual dealing with any phase of Federal position classification or pay administration that does not pertain directly to functions of the Efficiency Ratings Administration Section.

(viii) Conducts studies and recommends other action preliminary to future expansion of classification to the field service in accordance with title II of the act (Ramspeck) of November 26, 1940 (54 Stat. 1212, 5 U. S. C. 681).

(5) *Administrative Section.* (i) Makes continuing studies to eliminate duplication of work, unnecessary procedures and practices and to see that available personnel is used to best advantage.

(ii) Provides classification information to departmental position classifiers and to the general public.

(iii) Receives all requests for personnel or for other proposed personnel changes within the Division, prepares necessary forms for transmittal to the Budget and Finance and Personnel Divisions; maintains leave records for the Division.

(iv) For administrative purposes within the Division, maintains records of encumbrances from the Division allotment for personnel services and prepares reports on the status of the allotment.

(v) Performs the usual service function for the Division, including supervision of mail and files and the stenographic force, compilation of production reports, time-keeping, furnishing of supplies, equipment, etc.

(vi) Prepares general correspondence not pertaining to the work of the several sections.

(b) *Delegation of authority.* (1) The authority for making initial decisions on matters within the purview of the Personnel Classification Division, except as specified in subparagraph (2) of this paragraph, is vested in the Chief of Division, subject to appeal to the Commission.

(2) Final decisions on efficiency rating appeals are, by statute, made by the efficiency rating Board of Review for the agency in which the appeal arises and are not reviewable by the Commission.

(c) *Method of securing and source of information.* (1) Information regarding functions of the Personnel Classification Division, including appeals from allocation actions of the Commission in central government offices, may be obtained in the Washington, D. C., area by writing or calling the Personnel Classification Division. In the field the appropriate regional office of the Commission may be contacted for such information.

Inquiries regarding individual field allocations which are finally determined by the agency concerned should be addressed to such agency.

(2) Requests for review of efficiency ratings should be made in writing to the Chairman, Board of Review of the agency in which the appellant is employed, c/o U. S. Civil Service Commission, Washington 25, D. C.

§ 01.11 *Investigations Division—(a) Organization.* The Commission's investigative activities may be divided into three major types:

(1) Investigations of the qualifications of candidates for Federal employment.

(2) Investigations to determine the facts when a preference eligible alleges that he has been denied any of the rights guaranteed him under the Veterans' Preference Act of 1944.

(3) Investigations arising out of the administration of the Merit System involving violations of the Civil Service Act and Rules.

For the purpose of carrying out these investigative functions the Investigations Division is divided into the following sections:

(i) *Field Inspection and Training Section.* This section inspects the work of the regional investigations division and assists regional offices in installing new procedures and in the training of personnel.

(ii) *Rating Section.* This section makes recommendations and renders advisory opinions with respect to cases referred by other divisions of the Commission, regional offices and other departments and agencies. It rates cases at the request of the Executive Director and Chief Examiner or the Chief of the division and develops rating standards and procedures for use of the regional offices.

(iii) *Administrative Section.* This section performs the necessary personnel and administrative work of the division.

(iv) *Procedures and Control Section.* This section prepares and issues instructions of a technical nature for investigators and raters. It maintains a master index and control records of all regional offices cases as well as master bar and flag records.

(v) *Confidential Information Section.* This section maintains confidential files of reports of investigations and makes them available to individuals and agencies that have a legitimate and valid reason for seeking information therein. (For information as to what records are available and to whom they are available see § 01.19.)

(b) *Delegation of authority—(1) To regional offices.* Regional directors are authorized to initiate investigations into the qualifications of applicants for certain specified positions. Investigations of applicants for all other positions must have the prior approval of the Commission. Regional directors are authorized to handle appeals of veterans under the Veterans' Preference Act of 1944 that arise in their region and to initiate investigations where the facts so warrant. Investigations into alleged violation of the Civil Service Act and rules must have the prior approval of the Commission.

CROSS REFERENCE: For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

(2) *To departments and agencies.* Authority is delegated to departments and agencies to conduct character and loyalty investigations where the nature of the positions to be filled is such that the agency reasonably requires its own investigations; where the agency maintains investigative facilities established for purposes other than undertaking personnel investigations but finds it desirable to undertake personnel investigations in order to afford maximum use of such facilities; and where the requirements of the agency become so great that the funds or facilities of the Commission are inadequate to meet the needs. Such investigations are to be conducted in accordance with standards set by the Commission. The Commission reserves the right to audit actions taken under this delegated authority and to inspect and review individual cases to determine compliance with the standards that have been established.

(c) *Method of securing and source of information.* Information in the files of the Investigations Division is considered confidential.

§ 01.12 *Retirement Division—(a) Organization.* The Retirement Division is charged with responsibility for interpreting and administering the Civil Service Retirement Act of May 22, 1920 (41 Stat. 614), as amended (5 U. S. C. 691-738), the Canal Zone Retirement Act of March 2, 1931 (46 Stat. 1471), as amended (48 U. S. C. 1371), and the Alaska Railroad Retirement Act of June 29, 1936 (49 Stat. 2017), as amended (5 U. S. C. 745). Jurisdiction over the administration of the act of May 29, 1944 (58 Stat. 257), is also vested in the Division. This act provides for the payment of annuities to United States citizen employees (or to their unremarried widows under prescribed conditions) who served on the Isthmus of Panama during the construction period of the Panama Canal from May 4, 1904, to March 31, 1914, inclusive, who were not included in the recognition and the benefits accorded by the act of March 4, 1915 (38 Stat. 1190).

CROSS REFERENCE: For regulations relative to retirement, see Part 29 of this chapter.

The operating sections of the Division are as follows:

(1) *Annuity Section.* This section adjudicates claims for annuities under the Civil Service Retirement Act, the Canal Zone Retirement Act, and the Alaska Railroad Retirement Act, on age, optional and disability retirements, and discontinued service; determines whether legal and medical title has been established; determines the amount payable and the date payments are to begin; and develops and appraises all evidence, documents, and records required to substantiate the actions taken. It adjudicates claims for gratuity benefits under the Panama Canal Construction Annuity Act. It advises employees and prospective annuitants on their annuitable rights and obligations, maintains a record of all annui-

tants retired on disability, and orders the annual medical examinations as required.

(2) *Service Credit Section.* This section examines service credit applications and makes formal decisions with respect to the service credits to which present or former employees are entitled under the retirement laws and the amounts which must be paid in order to obtain title to annuity or to secure full annuity for such periods of service. It answers correspondence relating to the processing of service credit claims and voluntary contributions.

(3) *Death Claims Section.* This section adjudicates claims filed by the beneficiaries, legal representatives, or next of kin of deceased employees or annuitants for the accrued annuity, the unexpended balance, or the accumulated deductions in the retirement funds. It adjudicates claims submitted in behalf of former employees who are incompetent, for accumulated deductions to their credit in the retirement funds. It examines the designation of beneficiary forms for completeness and compliance with regulations and instructions. It conducts correspondence with respect to death claims and designation of beneficiary forms and maintains the files of designation of beneficiary forms. It prepares certifications of information contained in designation of beneficiary forms for use by the General Accounting Office in the administration of the act of December 21, 1944 (58 Stat. 845).

(4) *Refund Section.* This section adjudicates refund claims filed by former employees for the refund of deductions made from their salaries and to their credit in the retirement fund; determines the legality of such claims and the amount payable; develops and appraises the evidence, documents, and records required to substantiate the actions taken.

(5) *Correspondence Section.* This section conducts correspondence with present and former Government employees or their representatives with respect to refund rights and claims. It answers correspondence of a general nature not relating to the processing of annuity, service credit, voluntary contributions, or death claims.

(6) *Fiscal Section.* This section prepares schedules and vouchers covering payments on all retirement claims for use by the Disbursing Office of the Treasury in the preparation of checks and for use by the General Accounting Office in the audit of claim payments. It certifies all disbursements made from the retirement funds; maintains the administrative accounting controls for the retirement and disability funds; prepares the periodic financial statements for use by the officials of the Division, the Board of Actuaries, and the Commission in the administration of the Retirement Acts and for submission to the Congress in the Annual Reports and Budget Estimates; receives and records cash, check, or money order remittances of voluntary deposits and issues receipts thereon; deposits remittances to the appropriate accounts in the Treasury of the United States; accepts and records payments from employees covering the purchase of service credits, or redeposits of amounts

withdrawn or overpayments, and issues receipts thereon; deposits remittances in the Treasury of the United States to the credit of the proper retirement fund; maintains the individual annuity award accounts; maintains the individual retirement accounts (Form 2806) on all separated employees.

(7) *Agency Accounting Section.* This section conducts studies of the procedures used and practices followed by agencies in the maintenance of individual retirement accounts (Form 2806) and submits reports and recommendations for improvements whenever deemed necessary. It makes periodical inspections to the extent necessary to determine whether the retirement records in the agencies are maintained currently and in accordance with laws, regulations, and instructions; and makes periodical reports to the Commission on the status of retirement records in each agency. It develops training material for use by agencies in training new employees on the maintenance of individual retirement accounts and in the preparation of retirement applications and forms; maintains liaison with agencies, giving advice and instructions to officials and employees in the agencies who are assigned to and are responsible for the agency's retirement work, and advice on the procedures for the submission of applications, claims, account records, reports, and forms to the Commission; and renders technical and legal advice with respect to the Retirement Act and regulations.

(8) *Accounting Systems and Reports Analysis Section.* This section conducts studies of the over-all control accounts maintained by the Division in connection with the administration of the retirement system to determine their sufficiency; recommends such changes and improvements in the retirement accounting system and practices as are considered necessary to protect the employees covered by the system, the Government, and the Commissioners who serve as trustees of the retirement funds; and directs the installation of such changes. It studies the financial statements and reports now prepared to determine the adequacy of the accounts and reports and the effectiveness of the protection thereby afforded to the Commission and to present and prospective annuitants. It secures clearance with the General Accounting Office of all suggested new systems or proposed revisions of existing accounting methods and procedures and conducts conferences with representatives of agencies, the General Accounting Office, and other interested groups for the purpose of assisting in the installation of retirement accounting systems and the development of improvements in the procedures followed in the agencies and in the Division.

(9) *Congressional Services Section.* This section furnishes information to Members of Congress with respect to rights and benefits of their constituents on telephonic request. It furnishes data by telephone on the status of individual claims to Members of Congress in those cases where inquiry has been received by them from claimants for retirement benefits. It furnishes former and pres-

ent employees with information regarding their rights and benefits, status of their claims, and procedures or instructions to be followed in presenting their claims.

(10) *Office of the Legal Adviser.* This office serves in an advisory capacity to the staff officials of the Division with respect to the analysis of legal aspects of proposed changes in retirement laws and regulations and makes specific recommendations with respect thereto. It analyzes retirement and related laws to interpret the intent of Congress and decisions of the Comptroller General and of the Attorney General for the purpose of advising the Commission and its staff officials, employing agencies and their officers and employees, and representatives of employee organizations. It renders opinions and decisions on questions requiring the application of provisions of the retirement and related laws and administrative rulings; prepares cases for submission to the Board of Appeals and Review, to the Attorney General, or to the Comptroller General; collaborates with the Department of Justice in the preparation and trial of suits arising under the retirement laws; prepares drafts of bills and reports of the Commission on proposed legislation concerning retirement, for the use in consideration of Congressional Committees; drafts rules and regulations with respect to the administration of the retirement laws, for promulgation by the Commission.

(11) *Office of the Actuary.* This office conducts actuarial studies, periodic valuations of retirement funds, and longevity investigations of annuitants. It conducts studies to determine relation of service and contributions to benefits at the different ages of retirement; confers with the Board of Actuaries for the purpose of presenting to the Board members new developments, proposals, reports and data, and for the purpose of securing their advice and consultation with respect to such reports and proposals; makes actuarial studies and recommends improvements and simplification in retirement systems and policies; prepares the annual retirement reports; prepares special interest tables, and similar types of aids to facilitate the speedy and economical performance of retirement activities.

(12) *Procedures and Control Section.* This section conducts surveys of and studies existing procedures, regulations, policies, and methods followed in the Division, and prepares process charts and reports analyzing them and recommending changes designed to improve operations and reduce costs. It assembles and analyzes management control data on the operations of the Division, and recommends ways or methods of correcting or adjusting procedures to eliminate or correct bad situations before they become a problem; studies and recommends changes in policies, regulations, or laws to conform to new developments or requirements and to changing patterns or circumstances; establishes controls which will indicate when corrective actions are needed with respect to receipts, productions, backlogs, personnel assignments, delays, or unsatisfactory conditions generally; installs

changes as approved by the Division of officials or the Commission and follows through to assure compliance with authorized instructions, policies, laws, regulations, and procedures.

(13) *Personnel Section.* This section develops programs and provides the leadership to get them into operation, for full utilization of personnel; administration of the efficiency-rating system; selection, placement and promotion of personnel; handling of the work assignment program; handling of employee relations and employee counseling; handling of reductions in force programs; administration of leave regulations and instructions. It prepares personnel forms and supporting documents for submission to the Director of Personnel to effect personnel appointments, changes, and separations; prepares job descriptions and recommends grade allocations for positions in the Division and presents necessary explanatory material and information as required to justify recommendations; initiates and conducts conferences with operating officials to explain new programs and the methods to be followed in putting them into effect.

(14) *Miscellaneous Services Section.* This section makes a continuous study of forms and form letters in use in the Division with a view to the elimination of obsolete and unnecessary forms, and the simplification and consolidation of remaining forms and form letters. It procures supplies and equipment for the Division, and prepares the periodical inventory reports; studies space assignments, requirements, and utilization to insure the most effective allocation; reports on work conditions, sufficiency of lighting, compliance with fire regulations, and acceptability of appearance of the building occupied by the Division.

(15) *Budget and Reports Section.* This section compiles the statistical statements, trend charts, and justifications for the Division's annual and supplemental budget estimates. It prepares the summaries and analyses of work reports, calling attention to increases or decreases in work receipts, work performance, work on hand, and unit costs and to repeated instances of non-compliance with established quantity work standards. It recommends revision of work report forms when it is found that they do not satisfactorily provide the work control data essential for management purposes. It develops and maintains cost data and cost records on all significant activities of the Division.

(16) *Mail and Files Section.* This section receives and distributes all incoming mail. It dispatches outgoing mail. It maintains the General Index Records and the closed files on all annuity claims, death claims, refund claims, and service credit applications adjudicated, and furnishes records and information as requested from these files. It furnishes the general messenger service for the Division.

(b) *Delegation of authority.* The Commission with the concurrence of the Comptroller General of the United States (letters B-45488, dated November 11, 1944 and March 24, 1945) has approved a temporary plan for the duration of the

emergency, unless terminated prior thereto, whereby local disbursing officers of the War Department, under certain conditions, are authorized to issue checks in payment of amounts due as refunds of civil service retirement deductions to former civilian employees of the War Department. The responsibility for making refunds of retirement deductions so authorized is lodged with local certifying officers of civilian pay rolls and applies only when the following conditions exist:

(1) The employee must have received an original appointment in the War Department on July 1, 1942, or subsequent thereto.

(2) The employee must have been officially separated on July 1, 1945 or subsequent thereto.

(3) The employee must have had no prior Federal or military service other than the period of employment in the specific installation and must have had no break in service during the period of employment at the installation for which the local retirement refund is being paid.

(4) The employee must not be indebted to the Federal Government for any reason according to the records of the installation.

Computations or refund payments are made in accordance with instructions approved by the Commission and copies of paid vouchers with supporting documents are transmitted to the Retirement Division for audit recording and filing.

(c) *Method of securing and source of information.* Decisions of the Retirement Division may be appealed to the Board of Appeals and Review through the Retirement Division. Appeals should be in writing and should show the name and post office address of the appellant, his retirement claim number, the date and substance of the action from which the appeal was taken and the full reason for the appeal. They must generally be filed within six months from the date the notice of final action was mailed.

Questions on retirement matters should be submitted by Federal employees to their Personnel Director.

§ 01.13 *Service Record Division.*—(a) *Organization.* The Service Record Division has over-all responsibility for the administration and enforcement of rules and regulations governing the reporting of personnel transactions; maintenance of service records; according of competitive civil service status; determination of status of positions and status of present and former Federal employees and of compliance by Commission or agency officials with the procedural and legal requirements for effective personnel actions under the civil service rules and regulations.

The operating sections of the division are as follows:

(1) *Audit Section.* This section receives and inspects reports of personnel actions. It initiates corrective action on the enforcement of Civil Service Rules and other authorities governing appointments and personnel changes, inspects reports of separation to determine whether the reasons or circumstances shown appear to require debarment or flagging, maintains records showing cur-

rently the condition of the apportionment determines adequacy of proof of date of birth, reports cases of apparent dual employment to the Comptroller General and authorizes extension of suspensions.

(2) *Correspondence Section.* This section replies to inquiries and complaints regarding treatment in the Federal service, promotions, demotions, forced resignations, suspensions or removals, hours of duty, leave, assignment to duty, dual employment, payment for services rendered, overtime, deductions from salary for war bonds, subsistence allowance and travel. It also answers inquiries concerning rights under the Selective Service Act and reemployment benefits provided by regulations of the Commission.

(3) *Postal Section.* This section maintains complete records of employees in the field service of the Post Office Department, audits all personnel actions involving such employees, initiates corrective action where needed, maintains substitute rolls in accordance with the order of seniority of appointment and in general performs the other functions of the Audit Section with reference to employees in the field service of the Post Office Department.

(4) *Records Section.* This section maintains service records of present and former Federal employees and processes and files reports of personnel action.

(5) *Status Section.* This section receives agency recommendations for conferring of competitive status on Federal employees, acts on requests for promotion, transfer and reinstatement requiring prior approval of the Commission, post audits reports of reinstatements not requiring prior approval of the Commission, acts on agency recommendations in connection with non-competitive appointments under Schedule B of the Civil Service rules, furnishes information to agencies and individuals regarding their status for reinstatement, transfer, classification.

(b) *Delegation of authority.* Regional directors are authorized to pass on requests for reinstatement, transfer, promotion and reassignment to field positions in cases where the prior approval of the Commission is required. Regional directors are authorized to consider and act upon requests for extension of suspensions when the request is presented by a field officer of an agency who has authority to initiate such action.

(c) *Method of securing and source of information.* Decisions of the Service Record Division may be appealed to the Board of Appeals and Review.

Federal employees should submit questions to their Personnel office. Others may secure information by writing to the Commission or by calling at the Commission's office.

§ 01.14 *Medical Division.*—(a) *Organization.* The Medical Division, created by the Commission in 1940 through unification of its previously diversified medical activities is under the immediate supervision of a Medical Director. Primarily, it is charged with responsibility (under the administrative direction and through the office of the Executive Di-

rector and Chief Examiner in all cases) for: Advising the Commission, in cooperation with the Examining and Placement Division, on all matters pertaining to physical standards for entrance or reinstatement into the Government service. In conjunction with the Retirement Division criteria are set up for separation from the service by reason of disability preventing satisfactory performance of duty. It is also responsible for the processing and disposing of all types of cases in the above categories which are referred by other divisions for comment or action as well as rendering opinions and advice on any other medical matters pertaining to Federal employment concerning which information may be requested by the Board of Appeals and Review or other officials of the Commission.

Other activities include the conducting of research programs throughout the Civil Service Regions for the purpose of determining appropriate physical standards for the various positions; carrying out studies of the performance of the physically impaired as compared to the able bodied; administering the program recommended by the Coordinating Committee for the Placement of the Physically Handicapped.

The operating sections of the Division are as follows:

(1) *Office of the Medical Director.* This office has the over-all administration of the Division's activities in the central office, including the handling of appeals in connection with certain types of cases. Also, through the offices of the Chief of Field Operations and the Executive Director and Chief Examiner, the Medical Director transmits to the various Regional Directors such information, instructional material and technical advice as may be necessary for the effective functioning of the medical officers assigned to their Regions. A member of the staff is detailed to the function of maintaining liaison with the various regional medical officers which may require travel to the Regional offices.

(2) *Consultative Service Section.* This section formulates physical requirements for entrance into the competitive civil service and prepares guides based thereon for the use of the appointing officers in the various agencies; devises schematic outlines for necessary physical examinations of both applicants and employees; reviews medical certificates exhibiting questionable conditions not covered by specific instructions and renders advisory services to appointing officers relative to the employability of applicants and the physical fitness of employees to continue in their post of duty, particularly with respect to nervous and mental conditions, communicable diseases, heart disease, and diabetes.

Within the section is a unit for the specialized handling of physically impaired applicants (emphasis on veterans) who offer unusual placement problems. This Unit is charged with the duties of devising broad schemes for the effective utilization of the remaining capabilities of impaired individuals as well as conducting interviews in specific cases.

(3) *Disability Retirement Section.*

This section receives from the Retirement Division such applications for retirement as are based on claims of total disability for useful and efficient service; arranges for and authorizes physical examinations of applicants except in cases where sufficient evidence has already been presented by Federal medical officers or establishment's; after securing adequate medical evidence, passes on the merits of applications and takes medical action of rejection or allowance; arranges for annual medical examinations or secures pertinent information in lieu thereof, in cases of retired employees (annuitants) whose cases have not been made permanent; supervises, by use of liaison facilities through the Office of the Medical Director, the initial medical processing in the regional offices of applicants residing within those areas; furnishes to the Retirement Division, through the office of the Medical Director, such technical advice pertaining to retirement matters in general as may be requested.

(4) *Examining Section.* This section in accordance with general procedures established by the Examining and Placement Division, examines and rates applications for professional and subprofessional positions in the medical and related fields in such agencies or establishments as are not otherwise provided for; renders advisory services to agencies regarding educational and experience standards in connection with the above positions; supervises and assists Committees of Expert Examiners in the conducting of examinations and the rating of applications in the medical and related fields; assists the Medical Director in making recommendations to the Personnel Division relative to the filling of medical officer and related positions within the Commission; receives and processes applications from cadet nurses who desire to complete their training in Federal hospitals under the provisions of the Cadet Nurse Act.

(b) *Method of securing and source of information.* Information in the files of the Medical Division is available to individuals and agencies in accordance with the regulations of the Commission set out in § 01.19.

§ 01.15 *Inspection Division.* The Inspection Division has been established to perform the following functions: To inspect and review in the offices of the various agencies the carrying out of the various personnel operations that have been delegated and to secure adherence to the required standards and procedures; to assist departments and agencies in adhering to the policies, standards and procedures prescribed by the Commission for the administration of delegated authority; to inspect and review the operations of Boards of Civil Service Examiners and Committees of Expert Examiners, to evaluate their effectiveness, to report on the carrying out of their functions and to secure adherence to the required standards and procedures; to present to the Commission current and accurate information as to the scope, content, effectiveness and equity of agency personnel management programs; to recommend to the Commission necessary

changes in policies and practices to better personnel management in the Federal service; to improve agency personnel programs by rendering personnel management advisory service and serving as a clearing house for the exchange of information among agencies on the most efficient and economical personnel management policies, procedures and practices.

FIELD ACTIVITIES

§ 01.16 *Regional Offices—(a) Organization.* In the interest of economy and efficiency in administration of the field service, the Commission has divided the United States into fourteen regions. The activities of each region center in a regional office, located in a principal city within the region. A Regional Director is in charge of each Regional Office.

Each Regional Office supervises civil service activities within its area, in accordance with policies and procedures established by the Commission, furnishes information to the public, and announces regional and local examinations to fill positions under the jurisdiction of the region.

The functions of the regional office are performed under the regional director by Divisions and staff officials such as the following:

Budget and Fiscal Officer.
Personnel Officer.
Regional Examining and Placement Division.
Regional Classification Division.
Regional Investigations Division.
Medical Officer.
Regional Veterans Federal Employment Representative.
Examiner for Appeals under section 14 of the Veterans' Preference Act of 1944.
Personnel Management Advisor.

The location of regional offices, branch regional offices, and offices of Commission representatives outside the continental United States are as follows:

REGION, HEADQUARTERS, AND TERRITORY SERVED

- 1—Post Office and Courthouse Building, Boston 9, Mass. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.
- 2—Federal Building, Christopher Street, New York 14, N. Y. New York, New Jersey.
- 3—Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa. Pennsylvania, Delaware.
- 4—Nissen Building, Winston-Salem 3, N. C. Maryland, Virginia, West Virginia, North Carolina, District of Columbia. Branch Regional Office: Tariff Commission Building, Seventh and F Streets NW., Washington 25, D. C. District of Columbia. Maryland: Counties of Calvert, Charles, Montgomery, Prince Georges, St. Mary's. Virginia: Arlington, Caroline, Clarks, Fairfax, Fauquier, King George, Lancaster, Loudoun, Northumberland, Prince William, Richmond, Spotsylvania, Stafford, Westmoreland.
- 5—New Post Office Building, Atlanta 3, Ga. South Carolina, Georgia, Florida, Alabama, Tennessee, Puerto Rico, Virgin Islands.
- 6—Post Office and Courthouse Building, Cincinnati 2, Ohio. Ohio, Indiana, Kentucky.
- 7—New Post Office Building, Chicago 7, Ill. Wisconsin, Michigan, Illinois.
- 8—Post Office and Customhouse Building, St. Paul 1, Minn. Minnesota, North and South Dakota, Nebraska, Iowa.
- 9—New Federal Building, St. Louis 1, Mo. Kansas, Missouri, Oklahoma, Arkansas.

10—Customhouse Building, New Orleans 16, La. Mississippi, Louisiana.

11—437 Central Building, 810 Third Avenue, Seattle 4, Wash. Montana, Oregon, Idaho, Washington, Territory of Alaska.

12—129 New Appraisers Building, 630 Sansome Street, San Francisco 11, Calif. California, Nevada, Arizona, Territory of Hawaii. Branch Regional Offices: 506 Post Office and Courthouse Building, Los Angeles 12, Calif. California: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara. Federal Building, Honolulu 2, T. H. Territory of Hawaii.

13—New Customhouse Building, Denver 2, Colo. Colorado, New Mexico, Utah, Wyoming.

14—210 South Harwood, Dallas 1, Tex. Texas.

REPRESENTATIVES OUTSIDE CONTINENTAL UNITED STATES

Hawaii (Subsidiary to Twelfth Region) Branch Regional Office, 12th U. S. Civil Service Region, Federal Building, Honolulu 2, T. H.

Puerto Rico (Under supervision of Director, 5th Region, insofar as employment under U. S. Government is concerned)—Chairman, Puerto Rico Civil Service Commission, San Juan, P. R.

Canal Zone—Secretary, Board of U. S. Civil Service Examiners, Balboa Heights, C. Z.

In order to provide closer supervision and render more effective service, regional directors may, as necessary from time to time, station representatives in smaller key cities to facilitate administration of civil service activities in areas within the region.

(b) *Delegation of authority.* Regional directors have general authority over civil service matters arising within their region. Specific grants of authority have been referred to in connection with the description of the functions of the divisions of the Commission set out above. Their decisions may be appealed to the Commission, through the Board of Appeals and Review in the same manner as decisions of the various divisions of the Commission may be appealed.

(c) *Method of securing and source of information.* Individuals residing in the states that are included within any region may secure information by writing to or calling at the Regional or Branch Regional Office. Information is also obtainable at Boards of U. S. Civil Service Examiners. (See § 01.17.)

§ 01.17 *Boards of United States Civil Service Examiners—(a) Organization—*

(1) *Boards located at Federal establishments other than in the Post Office Department.* Wherever considered administratively advisable, Boards are established by the regional director in agreement with the head of the establishment and are composed of officers and employees of the establishment or establishments served by the board.

For positions under their jurisdiction, such boards announce examinations, receive and rate applications, establish registers, certify names to appointing officers, approve the appointments made from names submitted, and perform other functions delegated by the regional director.

All activities of these boards are performed in accordance with current standards and instructions of the Commission. The extent of authority to be delegated to individual boards is deter-

mined by the regional director and is not uniform for all boards.

(2) *Boards located at first and second class post offices.* Boards of United States Civil Service Examiners have been established in each city which has a first or second class post office.

These boards publicize examinations announced by the Commission's central office, the regional office, and by Boards located at other Federal establishments. They also furnish general information to the public and conduct assembled examinations.

Regional directors may delegate other special functions to these boards within the limits of the policies established by the Commission.

(b) *Delegation of authority.* Boards of Examiners located in Federal establishments other than the post office can take final action on any matters delegated by the regional director. Requests for a review of rating and appeals from the action of any board in any matter properly before it, are first considered and decided by the board. In the event of an adverse decision further appeal may be made to the regional office.

(c) *Method of securing and source of information.* General information on civil service matters and employment opportunities can be secured from the Board of U. S. Civil Service Examiners at any first or second class post office. Such information is available also at the regional or branch office of the Commission or at the offices of its representatives outside continental United States.

Where more detailed and specific information is desired which is not available at the office of a Board of U. S. Civil Service Examiners, this information may be obtained by communicating with the regional or branch office.

Listed below are the places where the public may secure information and submit requests relating to specific civil service matters.

(1) *Open competitive examinations.*

(i) To keep informed of pending examinations, the bulletin board and examination announcements at any first or second class post office may be consulted. A copy of any examination announcement may be inspected but extra copies are not always available for distribution. In a city in which there is a regional or branch regional office, that office may also be contacted for information.

(ii) To secure a copy of the announcement the office having immediate jurisdiction over the examination as shown in the announcement under the heading "Where to file application" may be contacted.

(iii) The examination announcement contains full details about the requirements, the specific application forms and the location of the office where the required application forms should be filed. Application forms are available at first and second class post offices, except in cities where regional offices of the Commission are located, in which case they may be obtained from the regional office. In branch office cities, application forms may also be obtained from such offices.

(2) *Examinations under section 10 of the Veterans' Preference Act of 1944.* (i) Persons granted ten-point preference

under section 2 (1), (2) and (3) of the Veterans' Preference Act of 1944 may apply for examination as provided in section 10 of the same act.

CROSS REFERENCE: For regulations relating to appeals of preference eligible under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

(ii) For information concerning examinations which may be reopened, The Executive Secretary of the Board of U. S. Civil Service Examiners at the establishment where employment is desired or the regional or branch office of the Commission may be contacted.

(3) *Acceptance of delayed applications after the closing date.* Persons entitled to five-point military preference under section 2 (4) of the Veterans' Preference Act of 1944, and citizens who served beyond the continental limits of the United States with a Federal agency or international organization in which the U. S. Government participates, may, under certain conditions, file delayed applications.

(4) *Restoration to the list of eligibles of honorably discharged veterans under Executive Orders 9733 and 8937.* Requests for restoration should be made to the office which maintained the list of eligibles. The address of this office can be obtained from the notice of rating which the applicant received.

(5) *Requests for a review of examination rating.* A request for a review of a rating received may be made to the office which assigned the original rating as shown on the notice of rating.

(6) *Complaints on discrimination.* Complaints involving alleged discrimination on the grounds of race, creed, color, or national origin may be made to the regional director.

(7) *Reduction in force appeals.* Appeals involving alleged violation of reduction in force regulations based on section 12 of the Veterans' Preference Act of 1944 may be made to the regional office of the Commission.

(8) *Suitability appeals.* Appeals from applicants rated ineligible because they were not found suitable for government employment should be addressed to the office which assigned the rating, as shown on the notice of rating.

(9) *Appeals under section 14 of the Veterans' Preference Act.* Appeals under section 14 of the Act may be filed with the regional office.

(10) *Competitive status under Executive Order 9598 of August 17, 1945.* Requests for the benefits of this order should be submitted individually by letter to the office of the Commission which authorized the basic appointment. Requests are ordinarily submitted by the current employing agency, but may be acted upon if submitted by the agency in which the employee received his basic appointment.

(11) *Passing over preference eligibles.* Records of the Commission's findings in determining the sufficiency of the reasons submitted by an agency for passing over a preference eligible are available at the office of the Commission which maintains the register. The records will be made available to the veteran eligible or his designated representative upon re-

quest as provided in section 8 of the Veterans' Preference Act.

(12) *Restoration under section 8 of the Selective Service and Training Act.* Whenever a misunderstanding occurs between a veteran and his former employing agency as to restoration rights, the case may be submitted by the veteran for final determination to the regional office.

(13) *Requests for reinstatement.* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

(14) *Requests for transfer.* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

ADVISORY COMMITTEES

§ 01.18 *Federal Personnel Council.* The Council of Personnel Administration was established in February, 1939, under Executive Order No. 7916, June 24, 1938. The Council was placed within the Commission under Executive Order No. 8467, July 1, 1940. The name of the Council was changed to Federal Personnel Council and its functions redefined by Executive Order 9830, February 24, 1947.

The Council is set up to improve Federal personnel administration through common understanding and effort, to meet the personnel needs of the service by developing standards and practices sufficiently uniform for the Government as a single employer and yet flexible enough to provide for the great differences in the character and conditions of work. The Council serves as a clearing house where directors of personnel develop plans and spread throughout the service information about practices, and where representatives of the Commission and of the Bureau of the Budget meet regularly with the personnel directors to consult with them and to discuss and interpret the policies, programs and procedures which are in the course of development.

The Council's work is carried on by members assisted by a small staff through weekly meetings of the entire Council and by standing and special committees. The actions of the Council are put into effect in various ways. Recommendations are made to the President and to the Civil Service Commission, Bureau of the Budget and other appropriate agencies. Much of the Council's work results in practical suggestions or agreements on improved personnel methods which are carried out by departments and agencies themselves. Field personnel councils have been authorized by the Commission and established under the supervision of the Commission's Regional Directors or their Representatives. The field councils are composed of officers responsible for personnel administration in their agency in the area designated by the regional director. They have the same object and function along similar lines as the Federal Personnel Council.

The Federal Personnel Council is located at 1626 K Street NW., Washington 25, D. C.

PUBLIC RECORDS

§ 01.19 *Availability of official records.*
(a) Official records of the Commission

are generally regarded as confidential except that upon request by any person decision will be made in each case as to the part of the record which may be disclosed or made available to him.

(1) *Examination records.* Under this heading are included application forms filed in connection therewith. When the Commission's work load will permit copies of applications or a résumé of the pertinent information desired will be furnished an applicant.

(2) *Medical records.* Medical information furnished to the Commission as "fully confidential" is not given out. Instead the inquirer is referred to the source of information.

Medical information not secured in confidence may be disclosed under the following circumstances:

(i) The name of the examining physician is not to be disclosed without his consent.

(ii) An applicant (or his authorized agent) may be informed of the reasons for the action taken on his medical certificate only to the extent necessary to enable him to correct defects or to seek medical advice or treatment. No information is given where it is of such a nature as to make it inadvisable to release it as, for example, in case of mental disability or other serious diseases, the knowledge of which might prove injurious to the physical health of the applicant. Occasionally information that should not be given to the applicant may upon his authorization be given in confidence to his attending physician or to a hospital as an aid in diagnosis or treatment. If the applicant is already aware of the contents of the medical certificate, it is not regarded as confidential as far as he or his authorized agent is concerned.

(iii) Information derived from a medical certificate is not disclosed to individuals or organizations (legal firms, insurance companies, employment agencies, etc.) not concerned unless the applicant gives his consent, or unless the Commission finds that it is in the public interest to do so.

(iv) Information officially requested by a Federal agency other than the employing agency, such as the Veterans' Administration, may be furnished as confidential, except fully confidential material furnished for the use of the Commission only.

(v) Exact or photostatic copies of medical certificates are usually furnished in confidence to other Federal agencies when requested. They are not furnished to other inquirers or to the applicant himself except under unusual circumstances. In such cases there is furnished a statement of the defects found or a statement that the certificate discloses no defects. The selection of medical facts to be disclosed is made by a medical officer of the Commission.

(vi) Copies of medical surveys that have been obtained from the Veterans' Administration are by law confidential. The Veterans' Administration reserves the legal right to make decisions regarding the disclosure of information contained in its medical surveys to the veteran concerned. No information is furnished by the Commission except upon

authorization in each individual case from the Veterans' Administration.

(vii) Information received from State hospitals is treated as fully confidential. Disclosure of information received from other hospitals or private institutions is governed by the condition under which the information was furnished to the Commission.

(viii) Medical statements from Selective Service Boards are required only when the Commission's medical director determines that the statement is necessary. Such statements are kept strictly confidential.

(3) *Service records.* Records comprised under this heading are the employment records of present and former Federal employees. Such records are disclosed only to the individuals themselves upon request and to proper agency officials as required in connection with application for or employment in the Federal service.

(4) *Reports of investigations.* (i) Complete information contained in investigative reports is made available to properly identified investigative representatives of the Federal Bureau of Investigation, the Treasury Department, the Office of Naval Intelligence, the Military Intelligence Service, the Provost Marshal General's office, the Post Office Inspection Service, the Immigration and Naturalization Service and the State Department. Such reports are made available with the understanding that the information contained therein will be treated with the same confidence as information developed by representatives of the agencies themselves and that sources of the Commission's information will not be revealed outside the investigative agency.

(ii) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division, and the Director of Personnel (with respect to requests relating to employees of the Commission) are authorized to permit inspection of reports by properly identified representatives of the above agencies.

(iii) Analytical memoranda and other memoranda indicating actions or decisions reached as the result of the report of investigation are removed from the files before they are made available. Upon request the representatives may be advised of the Commission's final decision.

(iv) Upon showing a legitimate need for information contained in investigative files representatives of other Federal agencies are furnished an oral summary of the facts developed by investigation. Upon request the representatives may be advised of the Commission's final decision.

(v) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division and the Director of Personnel (with respect to requests relating to employees of the Commission) or officials designated by them are authorized to furnish oral summaries.

(vi) Information regarding cases in which investigative or rating action is pending is not furnished to Federal agencies other than those to which complete investigative reports are available.

(vii) Information contained in bar and flag files is strictly a confidential matter with the Commission and is for the official use of the Commission only. It is the policy of the Commission not to give out publicly any information that a particular individual has a bar or flag record.

(5) *Retirement records.* (i) Disclosure of information from the files, records, reports and other papers and documents pertaining to a retirement claim is made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

(ii) The name or address of a beneficiary designated by an employee or an annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(iii) Such information as may properly be disclosed to a claimant personally shall in the event of his death be disclosed upon proper request to the duly appointed representative of his estate or to such person as may be designated by such representative or to a duly designated beneficiary or to the claimant's next of kin.

(iv) Copies of documents or other records desired by or in behalf of parties to a suit may be furnished to the court on an order of the court or subpoena duces tecum.

(v) The address of a claimant as shown by the Commission's record may be furnished to duly constituted police or court officials upon proper requests or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(vi) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social security administrative agency.

(vii) All records or documents officially required by any department or agency of the United States Government or by Senators and Representatives of the United States in their capacity as Members of Congress may be furnished in response to a proper request.

(viii) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government, copies of reports of examining surgeons, reports from the War Department or copies of records of other departments and other confidential matters will not be furnished.

(6) *Personnel classification records.* Classification specifications and statements of allocation standards are available for public inspection at the Commission's central, regional and branch offices.

§ 01.20 *Availability of final opinions and orders.* Cases in which the Commission formulates final opinions and orders within the meaning of the Administrative Procedure Act are those involving decisions in retirement death claims and in cases of alleged political

activity on the part of officers or employees of a State or local Government whose principal employment is in connection with an activity financed in whole or in part by Federal funds (Section 12 (a), Act of August 2, 1939, as amended). Final opinions or orders issued by the Commission's Retirement Division in retirement death claims will be available for public inspection at the Retirement Division in the Commission's central office. Final opinions or orders issued by the Board of Appeals and Review in retirement death claims will be available for public inspection at the Board of Appeals and Review in the Commission's central office and in the Commission's regional offices. Final orders in political activity cases involving officers or employees of State or local Governments will be available for public inspection at the office of the Chief Law Officer in the Commission's central office and in the Commission's regional offices. (For addresses of regional offices see § 01.16.)

PART 02—FUNCTIONS OF THE COMMISSION

Sec.

02.1 In general.

02.2 Examining applicants for employment in the competitive civil service.

02.3 Retirement.

02.4 Enforcement of the Civil Service Act and Rules.

02.5 Enforcement of other statutes.

02.6 Notice of proposed rule making.

AUTHORITY: §§ 02.1 to 02.6, inclusive, issued under sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633.

§ 02.1 *In general.* The Commission's primary function is to serve as the central personnel agency for the Federal Government. In so doing, it holds examinations to test the fitness of applicants for positions in the competitive civil service of the United States; conducts investigations into the character and suitability of successful applicants; certifies the names of qualified persons in response to requests from appointing officers in the various agencies; establishes standards for reinstatement, promotion and transfer of Federal employees; and in general enforces the Civil Service Act and the Civil Service Rules relating to the employment and the conduct of Federal employees. In addition the Commission is charged with the functions of administering the Classification Act of 1923 as amended, which provides for the classification of positions according to duties and responsibilities; of administering an efficiency rating system for Federal employees; of maintaining service records of employees in the executive civil service; of administering the Civil Service Retirement Act, the Canal Zone Retirement Act, the Panama Canal Construction Annuity Act and the Alaska Railroad Retirement Act; of administering the Veterans Preference Act of 1944; and of enforcing the provisions of the Hatch Political Activities Act which prohibits political activity on the part of employees of State or local governments participating in Federally financed projects.

CROSS REFERENCE: For regulations relative to retirement, see Part 29 of this chapter.

Inasmuch as most of these functions pertain to the internal management of the Federal Government they are not set out in full in this part. Federal employees who are affected by their operations may generally obtain information or answers to their questions from their personnel office. Insofar as their operations affect persons outside the Federal service they are explained in the sections that follow.

§ 02.2 *Examining applicants for employment in the competitive civil service—(a) Announcement of examinations.* From data on net personnel requirements for positions in Washington, D. C., and in the field which are filled by the central office of the Commission, determination is made by the Commission as to what examinations will be held and which examinations will be given priority in announcement. In preparing to hold an examination the Commission and the agency or agencies in which the positions exist prepare a statement of the duties of the position and reach agreement as to the qualifications required for the satisfactory performance of these duties and the method of examining, including such factors as age, physical requirements, written tests, experience, training or education necessary. (Education may be prescribed only when the Commission has determined and made public its reasons for so doing, that the duties of a position of a scientific, professional or technical nature cannot be satisfactorily performed by an individual who has not met the specific educational requirements prescribed for the position.) The Commission then issues an announcement of the examination in which it incorporates the information needed by the applicant as to the requirements for the position, the method of examination, the location and salary of the position and the conditions of employment. Examination announcements may be given publicity by display and by newspaper publicity in the area from which applicants are accepted for the examination, and, when feasible, by publication in periodicals normally read by persons engaged in the occupations related to the position for which examination is announced.

(b) *Applications.* The examination announcement specifies the application forms to be filed by the applicant and indicates the period during which applications will be accepted. The application forms specified in the announcement may generally be obtained from the Secretary, Board of U. S. Civil Service Examiners, at any first- or second-class post office, or from the Commission's central, regional, or branch regional offices. However, application Form 9, required for rural carrier and fourth class postmaster, and application Form 10, required for first-, second-, and third-class postmaster, may be obtained only from the post office for which the examination is announced, during the time an announcement for the position is open, or from the Examining and Placement Division, Civil Service Commission, Washington 25, D. C.

Applications for an examination which are received after the closing date specified in the announcement are cancelled

and returned to the applicant, unless he is eligible for a reopened or delayed examination or has been granted the privilege of filing for a position for which there is no open announcement, as in the case of displaced career employees or those former status employees who failed of restoration after military service, service in the merchant marine or war transfer.

(c) *Examinations.* Applicants for assembled examinations are notified of the time, place and date to report for examination and are supplied any additional forms necessary. These forms are collected at the time of the written examination and become a part of the examination file. At the time of the written examination each competitor fills in a "declaration sheet" carrying an identifying number which is placed on each answer sheet used by the competitor during the examination. The identity of the competitors is maintained secret by keeping the applications, related forms, and the declaration sheets entirely separate from the answer sheets until the rating has been completed, after which the answer sheets are matched with the declaration sheets and the applications and related forms.

(d) *Ratings.* Examinations are rated on a scale of 100. The examination announcement specifies the relative weights given to each part of the examination. In general nonpreference competitors must obtain a rating of 70 for eligibility; 5-point preference competitors, a rating of 65; and 10-point preference competitors, a rating of 60. After rating of the written examination, the applications of eligibles are reviewed to ascertain that they meet the legal requirements for Federal employment and the age and physical requirements listed in the announcement and have proved legal or voting residence if the position is in the apportioned service. Failure to meet requirements renders the applicant ineligible; failure to prove residence permits the eligible to be considered only for the non-apportioned service. If the announcement of a written examination specifies that the competitors must show prescribed experience or training (which may represent a minimum qualification, or may be rated and incorporated in the final rating, according to the terms of the announcement) the application papers of the acceptable eligibles are reviewed to ascertain that the experience or training requirements are met, and the competitors failing to meet the minimum requirements are declared ineligible.

Applications filed for unassembled examinations are first reviewed to ascertain that the applicant meets the legal requirements for Federal employment, the age and physical requirements specified in the announcement and has proved legal or voting residence if the position is in the apportioned service. Applications not canceled during this review, are then rated on the basis of experience, training or education shown by the applicant which is pertinent to the position for which he is being examined, in accordance with a predetermined rating schedule which fixes the credit to be assigned for various grades of the required ex-

perience. To attain eligibility a competitor must meet the minimum requirements for the position as stated in the examination announcement. When necessary, the Commission may request the applicant to supply the additional detailed information necessary to evaluate his qualifications.

(e) *Register of eligibles.* From the applications and related papers of persons eligible under the terms of the announcement the list of eligibles, known as the register, is prepared. A register card is completed for each eligible and a permanent index card and notice of rating prepared for each competitor.

The register of eligibles is arranged in such manner that the provisions of section 7 of the Veterans' Preference Act of 1944, of Executive Order 9733 and of the apportionment (section 2 of the Civil Service Act, March 3, 1871, 16 Stat. 514; 5 U. S. C. 631) are observed in certification from the top of the register. Existing registers are combined with the newly established register, when, in the judgment of the Commission, it is expedient to do so. Names of persons whose eligibility for probational appointment was restored under the provisions of Executive Order 8937 and Executive Order 9733 are also entered on the new register, if the period of extended eligibility to which they are entitled has not already expired.

Eligibles are requested to inform the Commission of any changes in availability, and may be suspended from the register during a period of unavailability, with the privilege of restoration upon notification to the Commission at any time during the life of the register. Eligibles who decline offers of appointment without a reasonable explanation may be suspended from the register. Eligibles on the central office register may be transferred to a register maintained in a field office of the Commission, and vice versa: *Provided*, The following conditions are met:

(1) An appropriate register is maintained by the receiving office.

(2) The requirements stated in the examination announcement for both offices concerned are the same.

(3) When the transfer is from a register for the non-apportioned service to one for the apportioned service, the eligible must prove legal or voting residence for 1 year prior to the submission of proof.

(4) If the register to which transfer of eligibility is requested is subject to a zone of certification provision, the eligible must be a resident of such zone of certification.

(5) On certain field registers the eligible must be merely a resident of the area in which the examination was publicized.

(6) Transfer is not permitted from a register established from an announcement which closed later than the comparable announcement in the office to which transfer is desired.

(7) Transfer of eligibility is subject to the approval of the receiving office.

(f) *Certification of eligibles.* If an agency desires to fill a vacancy by original appointment and it has been notified by the Commission that a register of eli-

gibles has been established for probational appointment to such position, the Personnel Director of the agency, or his authorized representative, forwards to the Commission a request for the name of eligibles from which to select new personnel. If, upon receipt of the request in the central office, it is decided that the existing register is appropriate, eligibles in sufficient number to permit the appointing officer to consider three eligibles for each vacancy are listed from the top of the register and the list, known as a "certificate of eligibles", is furnished to the agency, together with the applications of such eligibles. If a study of the request indicates that certification in regular order from the register would not provide persons properly qualified to fill the vacancy, selective certification may be made. This can be done in two ways: (1) by reviewing all eligibles on the register to locate those having the special qualifications required to perform the duties of the position; or (2) rerating the eligibles on the most nearly appropriate registers on the basis of a special rating schedule which emphasizes the importance of the special qualifications required. In either case, the resulting eligibles are listed in the order of rating as augmented by veteran preference (and in accordance with the apportionment list if the positions are in the apportioned service) and the certificate forwarded to the appointing officer for his consideration.

(g) *Selections from certificates.* The appointing officer is required to make selection in accordance with the rule of three (see section 8 of the Veterans' Preference Act of 1944). If the appointing officer passes over a veteran eligible and tentatively selects a non-veteran he is required to furnish to the Commission reasons for his action, which are subject to review by the Commission. (Section 8 of the Veterans' Preference Act of 1944.) The appointing officer is not permitted to appoint a non-preference eligible, tentatively selected, in place of a preference eligible passed over, until he has received the Commission's opinion as to the sufficiency of his reasons for passing over the veteran. (If the appointing officer leaves a vacancy open for the selection of the preference eligible passed over, he may appoint the non-preference eligible.) If the Commission disagrees with the agency's reasons it requires the agency to submit any additional evidence in support of its action in passing over the veteran or a statement that there is no additional evidence in the case. In either event, the agency may, upon receiving a response to its second submission, appoint the non-preference eligible. The Commission is not empowered by the Veterans' Preference Act of 1944 to force the agency to appoint a veteran passed over by the agency without sufficient reason; however, it is directed by that act to furnish copies of the agency's reasons and its opinions of such reasons to the veteran or his authorized representative upon request.

The appointing officer, during the course of an interview with an eligible certified by the Commission, or in connection with any pre-employment check of an eligible's references, may receive

information about the eligible which he believes would have disqualified the eligible from certification had the Commission been in possession of the information at the time the certificate was issued. In such cases, the appointing officer offers an objection to the eligible, and tentatively selects an eligible who would not have been within reach for consideration otherwise. He may not appoint such eligible selected out of order until the Commission has notified him whether the objection is sustained by the Commission. If the objection is sustained, the agency may appoint the eligible tentatively selected; if the objection is not sustained, the agency must reconsider the eligible to whom objection was offered. If the Commission lowers the rating of an eligible or declares him ineligible as the result of investigation following a sustained objection, the eligible is notified.

Since the regulations of the Commission do not require an appointing officer to give an eligible more than 3 considerations for the same position, a record of the certifications accorded each eligible is maintained on his record card, and, the number of considerations accorded the eligible as a result of each certification is recorded. If an eligible declines an offer of appointment, or fails to reply to the appointing officer's offer of appointment or inquiry as to availability, Form 1078, "Notice of Suspension of Eligibility" is sent to the eligible, informing him that if he does not reply to the questions with regard to the conditions under which he will accept an offer of appointment his name will be suspended from the register until such time as he notifies the Commission of his availability. If the agency's correspondence with the eligible is returned undelivered, the central office records are checked to insure that the correspondence was properly addressed; if so, the eligible is regarded as unavailable until he communicates with the Commission.

§ 02.3 Retirement—(a) Filing death claims. When an employee or an annuitant dies leaving any amount to his credit in the Retirement and Disability Funds it is the Commission's function to pay such amount to the person or persons who have a rightful claim to it. Such claims are handled as follows:

(1) The claimant must obtain a copy of Civil Service Commission Form 3000 either from the Retirement Division, or from the office in which deceased was last employed and complete it in accordance with the instructions contained therein. The completed form and supporting papers must be sent direct to the Retirement Division. There must be submitted with the application a certified copy of the public record showing the death of the employee or annuitant unless such death occurred while the employee was in the armed forces outside the continental United States. In the latter case the branch of the armed forces in which deceased was serving must be stated.

(2) A claim filed by or for a person who was designated by the deceased as beneficiary should be accompanied by the duplicate copy of the form on which

such beneficiary was designated (Form 2806-1).

(3) If the application is filed by an executor, administrator, guardian, or committee, a certified copy of the court order showing such appointment must be submitted.

(4) If no beneficiary has been designated by deceased and no executor or administrator has been or will be appointed the claim should be filed by the legal heir or heirs under the laws of the State in which the deceased was domiciled.

(5) The application must be signed in the presence of two witnesses who must certify as to the identity of the person filing the claim.

(6) Upon examination of the application and the supporting documents the Commission adjudicates the claim.

§ 02.4 Enforcement of the Civil Service Act and rules—(a) Discrimination. Complaints by applicants who have been denied employment because of marital status, race or for political or religious reasons should be submitted in writing with all available evidence to the office of the Commission that has jurisdiction over filling the positions involved. The Commission investigates the allegation and notifies the appellant of the finding made. If a finding of a discrimination is made the Federal agency involved is notified and directed to take appropriate corrective action.

§ 02.5 Enforcement of other statutes—(a) Hatch Political Activities Act. Section 12 (a) of the Hatch Act prohibits political activity on the part of officers and employees of State and local governments whose principal employment is in connection with an activity financed in whole or in part by Federal funds. In exercising its function of enforcing this prohibition the Commission:

(1) Receives complaints alleging political activity.

(2) If the complaint so warrants, conducts an investigation.

(3) On the basis of the investigation issues a letter of charges.

(4) Reviews the answer to the letter of charges and either closes the case or conducts a formal hearing.

(5) Issues a final order embodying its findings as a result of the hearing.

(6) In the event of an appeal to the United States District Court, prepares the record for certification to the court and by arrangement with the Department of Justice represents the Government in the proceedings before the District Court.

CROSS REFERENCE: For the rules of practice under section 12 (a) of the Hatch Political Activities Act see Part 23 of this chapter.

§ 02.6 Notice of proposed rule making. Rules pertaining to the internal management of the Commission or of the Federal Government will be adopted and amended without prior notice or public participation. The procedure to be followed in the formulation of other rules will vary with the nature of the rule, the extent of public interest therein and the practicality of giving public notice. Details of the procedure to be followed will be incorporated in each notice of proposed rule making.

PART 1—COVERAGE

CIVIL SERVICE RULE I

Sec. 1.1 Positions and employees affected by these Rules.

REGULATIONS UNDER CIVIL SERVICE RULE I

1.101 Coverage of the Commission's regulations.

AUTHORITY: §§ 1.1 to 1.101, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE I

§ 1.1 Positions and employees affected by these Rules. (a) These Rules shall apply to all positions in the competitive service. As used in these Rules, the words "competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service," or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches of the Federal Government and in the Government of the District of Columbia which are specifically made subject thereto by statute. Whenever there is a doubt the Commission shall determine whether a position is in the competitive service.

(b) Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status. A competitive status shall mean a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service Rules and Regulations for such noncompetitive actions. A competitive status shall be acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service Rules.

REGULATIONS UNDER CIVIL SERVICE RULE I

§ 1.101 Coverage of the Commission's regulations. Except as otherwise indicated in the part concerned, the regulations in this chapter shall apply to all positions and persons subject to the Civil Service Rules.

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

CIVIL SERVICE RULE II

Sec. 2.1 Competitive examinations and eligible registers.
2.2 Apportionment.
2.3 Probational and temporary appointments.

REGULATIONS UNDER CIVIL SERVICE RULE II

2.101 Examinations.
2.102 Competition restricted to veterans.
2.103 Qualifications of applicants.
2.104 Disqualifications of applicants.
2.105 Delayed filing of applications by veterans and persons serving overseas.
2.106 Competitive rating.
2.107 Eligible registers.
2.108 Termination of eligibility.

- Sec.
 2.109 Certification for appointment.
 2.110 Apportionment.
 2.111 Selection for appointment.
 2.112 Appointments may be subject to investigation.
 2.113 Probational appointment.
 2.114 Temporary appointment.

AUTHORITY: §§ 2.1 to 2.114, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE II

§ 2.1 *Competitive examinations and eligible registers.* (a) The Commission shall be responsible for open, competitive examinations for admission to the competitive service which will fairly test the relative capacity and fitness of the persons examined for the position to be filled. The Commission is authorized to establish standards with respect to citizenship, age, education, training and experience, suitability, and physical and mental fitness, and for residence or other requirements which applicants must meet to be admitted to or rated in examinations.

(b) In addition to the names of persons who qualify in competitive examinations, the names of persons who lost eligibility on a probational register because of service in the armed forces subsequent to May 1, 1940, and the names of persons having a competitive status whom the Commission determines should be given further certification may also be entered at such places on appropriate registers and under such conditions as the Commission may prescribe.

§ 2.2 *Apportionment.* Subject to such modifications as the Commission finds to be necessary in the interest of good administration, appointments to positions in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population.

§ 2.3 *Probational and temporary appointments.* (a) Persons selected from eligible registers for other than temporary appointment shall be required to serve a probational period under such terms and conditions as the Commission may prescribe.

(b) The Commission may determine the types, duration and conditions of war service and other temporary appointments, and may prescribe the method for replacing persons holding such appointments.

REGULATIONS UNDER CIVIL SERVICE RULE II

§ 2.101 *Examinations.* (a) Examinations for original appointment shall be competitive except that noncompetitive examinations may be authorized when sufficient competent persons do not compete. Examinations for promotion, reassignment, transfer and reinstatement may be noncompetitive.

§ 2.102 *Competition restricted to veterans.* (a) Competition in examinations for the following positions is restricted by law to veterans as long as they are available: Guard, Elevator Operator, Messenger, and Custodian. It shall be

the responsibility of each agency to restrict competition to veterans whenever, under delegated authority, it makes appointments to these positions.

(b) Until July 25, 1952, competition in examinations for the following positions is restricted by Executive order to veterans as long as they are available: Correctional officer, Bureau of Prisons, Department of Justice; Substitute Railway Postal Clerk, Post Office Department; Assistant Contact Officer, Contact Officer, Contact Representative, and Senior Contact Representative, Veterans' Administration.

(c) (1) A position, examination for which has been restricted to veterans under paragraphs (a) or (b) of this section, may not be filled by appointment, reappointment, reinstatement, promotion, demotion, transfer, or reassignment of a non-veteran from outside the organizational entity in which the position exists, if there is a veteran in the employ of such entity in the local area who is qualified and available for promotion or reassignment to the position, or if there is a total of three or more veterans elsewhere who are qualified and available for an appointment of equal tenure.

(2) The restriction in subparagraph (1) of this paragraph shall not be applicable to the promotion, demotion, transfer, or reassignment of an employee (i) within the organizational entity or (ii) from one restricted position to another when both positions are covered by the same generic title. An organizational entity for this purpose shall be that part of an agency from which selections for promotion, transfer, or reassignment to the position are normally made.

§ 2.103 *Qualifications of applicants.*

(a) Persons admitted to competitive examinations must be citizens of or owe allegiance to the United States. However, citizens of the Republic of Panama may be admitted to examinations for employment by the Panama Canal and the Panama Railroad Company, and until June 30, 1947, citizens of the Republic of the Philippines may be admitted to any examinations.

(b) When a veteran is rated in examinations where experience is an element of qualifications he shall be credited with time spent in the armed forces of the United States either: (1) As an extension of time spent in the position in which employed immediately prior to his entrance into such forces; or (2) On the basis of the actual duties performed therein; or both. Time spent in the armed forces shall be credited according to the method that will be of more benefit to the veteran.

§ 2.104 *Disqualifications of applicants.*

(a) An applicant may be denied examination and an eligible may be denied appointment for any of the following reasons:

- (1) Dismissal from employment for delinquency or misconduct.
- (2) Physical or mental unfitness for the position for which applied.
- (3) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.

(4) Intentional false statements or deception or fraud in examination or appointment.

(5) Refusal to furnish testimony as required by § 5.3 of Rule V.

(6) Habitual use of intoxicating beverages to excess.

(7) Reasonable doubt as to loyalty to the United States Government.

(8) Any legal or other disqualification which makes the applicant unfit for the service.

§ 2.105 *Delayed filing of applications by veterans and persons serving overseas.*

(a) A ten-point veteran may file application at any time for any position he may specify for which there is an existing register, or a register about to be established, or to which any probational appointment has been made within the preceding three years. Examinations under this section shall be held not later than the quarterly period succeeding that in which the applications were filed.

(b) Applications for an examination for probational appointment will be accepted after the closing date of such examination from the persons described below, subject to the conditions specified:

(1) Any person who was unable to file application for an examination or to appear for any assembled test because of service in the armed forces of the United States, or because of hospitalization continuing for not more than one year following discharge from such forces. He may file for any examination that was open during such service or hospitalization. He may also file application for any examination announced within 120 days of his separation from the armed forces or hospitalization. Application from such person may be filed while in the armed forces or during hospitalization, but must be filed within 120 days of honorable separation from such forces or from hospitalization and prior to the expiration of the register established as a result of the examination. A person serving in the armed forces or undergoing hospitalization will not be certified for appointment until he notifies the Commission that he will soon be available for appointment.

(2) Any citizen who was unable to file application for an examination or to appear for any assembled test because of foreign service with a Federal agency or an international organization in which the U. S. Government participates. He may file for any examination that was open during such foreign service. He may also file application for any examination announced within 120 days of his return from foreign service. Application from such person may be filed while in foreign service, but must be filed within 120 days of his return from foreign service and prior to expiration of the register established as a result of the examination. The applicant must certify, in his application or in a supporting statement, the facts which justify acceptance of his application under this subparagraph. He must show the Federal agency or international organization in which employed in foreign service, and the exact date of departure for and return from foreign service. "For-

foreign service" as used herein shall be service other than in the United States proper, Hawaii, Alaska, Puerto Rico, the Virgin Islands, and the Canal Zone.

(3) Any person who meets the conditions of subparagraph (1) of this paragraph and leaves the armed forces to enter foreign service with a Federal agency, or an international organization in which the U. S. Government participates, and thus meets the conditions of subparagraph (2) of this paragraph, may file application within 120 days of his return from foreign service for examinations that were open either while he was in the armed forces or while he was in foreign service or that were announced within 120 days of his return from foreign service. Application must be filed prior to the expiration of the register established as a result of such examination.

§ 2.106 Competitive rating. (a) The subjects in examinations shall be given such relative weights as the Commission may prescribe. A scale of 100 shall be used and all competitors who meet the minimum entrance requirements and are rated 70 or more, including preference points, shall be eligible for appointment.

§ 2.107 Eligible registers. (a) The names of persons who qualify in competitive examinations shall be entered on appropriate registers in the order of their ratings, as may be augmented by veteran preference, subject to apportionment, residence, or other requirements of law or the Commission's regulations.

(b) When an eligible register has been established as the result of open competitive examination, the names of the following classes of persons may be entered thereon, provided they have a competitive status:

(1) Persons declared eligible by the Commission after appeal from separation under section 14 of the Veterans' Preference Act;

(2) Veterans who have been furloughed or separated without delinquency or misconduct, or who have resigned from the service, and applied for reentry of their names on such register.

Application for entrance on a register under this paragraph must be filed within 90 days of separation or failure of restoration or reemployment. Applicants shall be examined under the same standards used in the open competitive examination and their names shall be entered on the register in the order prescribed by paragraph (a) of this section.

(c) (1) Veterans who were in the armed forces of the United States subsequent to May 1, 1940, and for that reason lost eligibility on a register during a period that the register was used for probational appointment, shall have their names entered on the appropriate successor register if they:

(i) Have been honorably separated from the armed forces;

(ii) Are still qualified to perform the duties of the position for which the register is used; and

(iii) Make application for entrance on the register within 90 days after separation from active service or from hospitalization continuing after discharge for a period of not more than one year. Such persons shall be restored to the

successor register, for the life of such register, in accordance with their former ratings as augmented by preference points, except as provided in subparagraph (2) of this paragraph.

(2) Persons who establish eligibility for entrance on a successor register in accordance with subparagraph (1) of this paragraph, shall have their names entered at the top of the appropriate group on the successor register if another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register. For the purpose of determining the appropriate group all 10-point veterans including such restored veterans, will be considered as one group, and all other eligibles including such restored 5-point veterans, as another group. However, for professional and scientific positions for which the basic entrance salary is over \$3,000 per annum, all eligibles will be considered as one group.

(3) Persons who meet the conditions for entrance on a successor register in accordance with subparagraph (1) of this paragraph shall have their names listed for certification for probational appointment if no successor register exists and another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register.

§ 2.108 Termination of eligibility. (a) Eligibility on any register shall be terminated under the following conditions:

(1) By acceptance of appointment of other than temporary duration from such register.

(2) By action of the Commission terminating the eligibility of all eligibles on such register: *Provided*, That the eligibility of the following classes of persons shall not be terminated in less than one year unless a new register is established on the basis of more exacting requirements which have been determined to be more appropriate for the position concerned:

(i) Veterans entered on the register as a result of examination under section 10 of the Veterans' Preference Act, or of favorable determination of an appeal from dismissal or furlough, or application for restoration after furlough or separation without delinquency or misconduct, or resignation.

§ 2.109 Certification for appointment.

(a) Upon receipt of a request for certification of eligibles, there shall be certified from the top of the appropriate register a sufficient number of names to permit the appointing officer to consider three eligibles in connection with each vacancy.

(b) Where no register exists appropriate as a whole for certification for filling a particular request, there may be certified selectively from the most nearly appropriate existing register, in the order of their ranking, the names of persons who are adequately qualified for the particular position to be filled. The Commission may, however, when appropriate, rerate the eligibles on the register on the basis of the particular requirements of the position.

(c) In order to fill existing vacancies in appropriate positions, and to require displacement of temporary and war service appointees who do not have eligibility for permanent retention, the Commission shall certify for probational appointment:

(1) Veterans who qualify in examinations under section 10 of the Veterans' Preference Act and who are entitled to 10-point preference and priority in certification under that statute; and

(2) Veterans entitled to priority in certification under § 2.107 (c) (3) because of lost opportunity for probational appointment due to military service.

(d) Certification shall be made without regard to sex unless the appointing officer, in accordance with the right conferred upon him by law, requests eligibles of a given sex.

§ 2.110 Apportionment. (a) Certifications for appointment in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain, as nearly as the conditions of good administration warrant, the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population. However, certification in the following cases shall be made without regard to the apportionment, and appointments in such cases shall be excluded from the apportionment figures:

(1) Certification of veterans.

(2) Certification for appointment to the following positions in all agencies:

(i) Positions in headquarters offices which are located outside the metropolitan area of Washington, D. C.

(ii) Positions in the professional and scientific service for which the entrance salary is over \$3,000 per annum.

(iii) Positions in the clerical, administrative and fiscal service classified at Grade 14 and above.

(iv) Apprentice positions in the recognized trades and skilled occupations.

(v) Artisan and helper positions in all trades and skilled occupations, and all phases of the graphic and map reproduction arts that require trade knowledge and manual skill and effort in their performance. However, positions that require only clerical, technical, or professional knowledge in their performance are not excluded from the apportionment.

(vi) Positions of operating engineman, fireman, oiler, general helper, laborer, foreman of laborers, gardener, grounds keeper, animal keeper, chauffeur, truck driver, and telephone operator.

(3) Certification for appointment to all positions in the following agencies:

(i) The Government Printing Office.

(ii) Agency field offices in the metropolitan area of Washington, D. C.

§ 2.111 Selection for appointment.

(a) An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from among the highest three eligibles available for appointment on the certificate. For the second vacancy he shall make selection from among the three highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled

in like manner. An appointing officer shall not be required to consider any eligible (1) who has been considered by him for three separate appointments from the same or different certificates, or (2) to whose certification for the particular position he has made an objection which has been sustained by the Commission for any of the reasons stated in § 2.104.

(b) The following procedure shall be followed when an appointing officer passes over a veteran and tentatively selects a nonveteran:

(1) He shall file with the Commission his reasons in detail and in writing for passing over the veteran.

(2) The Commission shall determine the sufficiency or insufficiency of such reasons and notify the appointing officer of its findings.

(3) If the reasons are sufficient the nonveteran tentatively selected may be appointed.

(4) If the reasons are insufficient and the appointing officer still desires to appoint the nonveteran he shall submit:

(i) More detailed information concerning his reasons for passing over the veteran; or

(ii) A statement that he has no more information in support of his selection of the nonveteran.

(5) The nonveteran tentatively selected may not be legally appointed, except as provided herein, until the appointing officer has received the Commission's notice concerning his second statement.

(6) When a certificate has been issued for filling several vacancies a nonveteran may be appointed to one or more of the vacancies prior to receipt of the Commission's findings provided the appointing officer holds open one of the vacancies for further consideration of the veteran in case the reasons for passing him over are found insufficient. Where a seniority system of promotion is established by law, such appointment shall be made on a temporary basis until the vacancy held open is filled by probational appointment.

(7) A copy of the appointing officer's reasons and the Commission's findings shall, upon request, be sent to the veteran or his designated representative.

(c) If, upon certification, reasons deemed sufficient by the Commission for passing over a veteran's name shall three times have been given by appointing officers, certification of his name for appointment will thereafter be discontinued, prior notice of which shall be sent to the veteran.

§ 2.112 *Appointments may be subject to investigation.* (a) In the following types of appointments investigation designed to further establish the individual's qualifications may be made at any time within eighteen months of the personnel action and removal may be ordered by the Commission if such investigation discloses that the individual is disqualified for Federal employment, and all such appointments shall be considered as subject to this condition:

- (1) Original probational.
- (2) Reappointments.
- (3) Reinstatements.

(4) Temporary appointments pending establishment of a register.

(5) Temporary appointments which exceed or are extended beyond six months.

(6) Inter-agency transfers.

(7) Conversions from excepted, war service indefinite, or temporary indefinite appointments to competitive appointments.

(b) The condition "subject to investigation" shall expire automatically at the end of eighteen months from the effective date of the personnel action, except in a case in which the Commission has made an initial adjudication of disloyalty and the case continues to be active by reason of an appeal. In cases on which the Commission's jurisdiction has expired and the case is incomplete or an initial adjudication has not been made, it shall be the responsibility of the employing agency to conclude such investigation and make a final determination concerning the loyalty of such person.¹

§ 2.113 *Probational appointment.* (a) A person selected for other than temporary appointment shall be given a probational appointment. The first year of service under this appointment shall be a probational period. The agency shall utilize the probational period as fully as possible to determine the fitness of each employee and shall terminate his services during such period if he fails to demonstrate fully his qualifications for continued Federal employment.

(b) The following service will be counted toward completion of the probational period:

(1) Service in the armed forces of the United States during a national emergency when the employee entered such service during his probational period.

(2) All continuous service under war service indefinite appointment or temporary appointment rendered immediately preceding probational appointment, or acquisition of status under § 3.1 (b), (5) and (7) of Rule III, which was in the same line of work and in the same agency as the position to which probationally appointed or in which status is acquired.

(c) A probationer voluntarily or involuntarily separated from the service without delinquency or misconduct may be restored to the register of eligibles for the remainder of any period of eligibility thereon whenever in the opinion of the Commission he is suitable and eligible for further Federal employment.

§ 2.114 *Temporary appointment—(a) Pending establishment of register.* Whenever there are no eligibles upon a register appropriate for filling a vacancy, and the public interest requires that the vacancy be filled before eligibles can be certified, the Commission may authorize temporary appointment. Such appointment shall continue only for such period as may be necessary to make appointment through certification, and in no case, without prior approval of the Commission, shall extend beyond thirty days from the date of the receipt by the ap-

pointing officer of a certification of three or more eligibles.

(b) *Pending full certification.* Whenever there are fewer than three eligibles on any appropriate register for a position in which a vacancy exists, the Commission shall certify for consideration for probational appointment those eligibles who are on the register. If the appointing officer shall elect not to make probational appointment from such certification, the vacancy may be filled by temporary appointment pending establishment of a register but the appointing officer will be required to give reasons for passing over a veteran on the certificate.

(c) *Job employment.* When there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment may be made with the prior authority of the Commission for a period not to exceed 6 months. Such temporary appointment shall be made through certification from the Commission's eligible registers unless there are no available eligibles. Such temporary appointment may be extended only if there are no eligibles available for the additional period or after an adequate showing that such extension is necessary to complete the job of work for which the person was originally employed. The Commission may restrict certification for temporary job employment to eligibles that are immediately available because of residence or other conditions.

(d) *Temporary substitutes in Post Offices.* When, in the Post Office Service, the quota of substitutes is filled but the Post Office Department has authorized the appointment of additional substitutes for temporary work of indefinite duration, the Commission will, upon request of the Postmaster, certify eligibles, and selection shall be made, in the same manner as for probational appointment. However, the person selected shall not obtain a competitive status by such appointment, but shall be considered a temporary employee.

(e) *Agency authority to make temporary appointments.* Subject to the conditions specified, the Commission hereby delegates authority to agencies to make:

(1) Emergency appointments without examination in cases of extreme emergency where positions must be filled without delay, and where time does not permit the securing of prior authority of the Commission. Such emergency appointments may not continue for more than 30 days and may not be extended by the agency without the prior approval of the Commission.

(2) Temporary appointments pending establishment of a register, or for job employment as defined in paragraph (c) of this section, until the agencies have been notified that certification for filling particular positions should be secured from the Commission. In making such appointments the agencies shall:

(i) Give preference first to qualified ten-point veterans, second, to qualified five-point veterans, and third, to qualified former Federal employees. (Upon establishment before the Commission

¹ E. O. 9635.

that this order of preference has not been followed in any case, the person appointed may be removed); and

(ii) Determine that the applicant meets the qualifications standards prescribed by the Commission for the position applied for.

(f) *Limitations on rights of temporary appointees.* Persons serving under appointments under this section may not be transferred between agencies and shall not be regarded as occupying permanent positions for the purpose of within-grade salary advancements under section 7 of the Classification Act of March 4, 1923, as amended, and shall not by virtue of such appointments be subject to the Civil Service Retirement Act.

CROSS REFERENCE: For regulations governing within-grade salary advancements, see Part 25 of this chapter.

PART 3—ACQUISITION OF A COMPETITIVE STATUS

CIVIL SERVICE RULE III

- Sec. 3.1 Classes of persons who may acquire status.
3.2 Appointment without competitive examination in rare cases.

REGULATIONS UNDER CIVIL SERVICE RULE III

- 3.101 Incumbents of positions brought into the competitive service.
3.102 Certain persons entitled to veteran preference.
3.103 Disabled veterans who have completed a training course.
3.104 Employees who have served in the office of the President or on the White House staff.
3.105 Employees who have been reached on a register.
3.106 Employees reached on a register prior to the War Service Regulations.
3.107 Employees serving in competitive positions without competitive status.
3.108 Apportionment.

AUTHORITY: §§ 3.1 to 3.108, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE III

NOTE: Text of Civil Service Rule III is contained in E. O. 9830, Title 3, *supra*.

§ 3.1 *Classes of persons who may acquire status.* (a) A person may acquire a competitive status by probational appointment through competitive examination, or by statute, Executive order, or this Rule.

(b) Subject to such noncompetitive examination time limits, or other requirements as the Commission may prescribe, the following classes of persons may acquire a competitive status:

(1) Any person holding a permanent position when it is placed in the competitive service by statute or Executive order or is otherwise made subject to competitive examination.

(2) Any person entitled to veteran preference who establishes the present existence of a service-connected disability of not less than ten percent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment

which has been continuous for more than one year.

(3) Any disabled veteran who, in a manner satisfactory to the Commission, has completed a course of training in the executive branch of the Government prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943 (57 Stat. 43).

(4) Any employee who has served at least two years in the immediate office of the President or on the White House Staff and whose transfer to a competitive position is requested by any agency.

(5) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving, provided recommendation for status is made prior to expiration of the register on which his name appears.

(6) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving, provided he was appointed to a competitive position prior to the date such position was placed under the War Service Regulations and stood higher on such register than another eligible who received an original probational appointment therefrom.

(7) An employee who has served at least one year under an appointment not limited to one year or less and has received an eligible rating in an open competitive examination appropriate for the position occupied: *Provided*, That the lowest rating reached in the regular order of certification does not exceed his rating by more than five points; *Provided further*, That such employee is about to be replaced as a result of certification by the Commission. A non-veteran employee may not be granted status until all preference eligibles standing higher on the register have been given appropriate consideration under the Veterans' Preference Act.

§ 3.2 *Appointment without competitive examination in rare cases.* (a) Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds:

(1) That the duties or compensation of the position are such, or that qualified persons are so rare, that, in the interest of good civil service administration, the position cannot be filled through open competitive examination; or

(2) That it is essential to the program in which he is engaged to retain in the service a person who was serving in a highly specialized scientific, professional, or administrative position during the war period and prior to March 7, 1946, the effective date of the Temporary Civil Service Regulations.

(b) Any subsequent vacancy in such position shall not be filled without competitive examination except upon express prior approval of the Commission in accordance with this section. Detailed statements of the reasons for the noncompetitive appointments made under this section shall be made a part of the records of the Commission and shall

be published in its annual reports. Any person heretofore or hereafter appointed under this section may acquire a competitive status upon completion of at least one year of satisfactory service and compliance with such requirements as the Commission may prescribe.

REGULATIONS UNDER CIVIL SERVICE RULE III

§ 3.101 *Incumbents of positions brought into the competitive service.* (a) When the Commission has determined, upon request of the agency, that one of the following situations exists, a person occupying a position when it is brought into the competitive service may be appointed at that time to such position, and may acquire a competitive status therein subject to the requirements of this section:

(1) A permanent excepted position has been brought into the competitive service by statute, Executive order, or revocation of a paragraph of Schedules A or B in accordance with § 6.1 (a) of Rule VI.

(2) The Postmaster General has issued an order for the advancement of any post office from the fourth class to a higher class, or for the consolidation of any post office with one in which the employees are in the competitive service.

(3) The Federal Government has taken over a public or private enterprise, or an identifiable unit thereof, and continues its functions on a permanent basis, and the Commission concurs with the agency concerned that the employees involved may be retained.

(b) In order to acquire a competitive status under this section an employee must:

(1) Be recommended by the agency in which employed.

(2) Have rendered six months of satisfactory active service in the position that is brought into the competitive service, or in the civilian executive branch of the Government immediately prior to the effective date of the change in status of the position, and continued to serve in such position for sixty days thereafter. In determining this time period the following may be substituted for active service: (i) Active service in the armed forces of the United States; (ii) The period during which an employee's name is carried on the United States employee compensation rolls for disability; and (iii) Leave without pay when granted for educational purposes under Pub. Law 16, 78th Cong., approved March 24, 1943 (57 Stat. 43); Pub. Law 113, 78th Cong., approved July 6, 1943 (57 Stat. 374); and Pub. Law 346, 78th Cong., approved July 22, 1944, 58 Stat. 284 (Servicemen's Readjustment Act of 1944), or because of personal illness of the employee (including maternity leave) after all sick leave has been exhausted.

(3) Pass such examination as the Commission may prescribe. Any law, Executive order, civil service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

(c) Any person appointed under paragraph (a) of this section who fails to meet the requirements for acquisition of a competitive status may, in the discre-

tion of the agency concerned and with the approval of the Commission, be retained in the position occupied at the time his position is brought into the competitive service without requiring a competitive status, but may not be promoted or transferred to any other competitive position.

Incumbents of positions on the date the positions are brought into the competitive service who are involuntarily separated because of reductions of force, within 60 days after change in status of the positions and before acquiring a competitive status under this section, may be recalled to duty for permanent appointment to their former positions within 90 days after separation; *Provided*, They are recalled in the inverse order in which they were considered for separation on the appropriate retention preference register. Employees so recalled and appointed may be recommended for a competitive status in accordance with this section as if their service had been continuous, but the period of separation shall not be regarded as service.

(d) A former incumbent of a position which has been brought into the competitive service who left such position in order to perform active service in the armed forces of the United States between May 1, 1940, and the date of the official termination of World War II may acquire a competitive status provided:

(1) His position was brought into the competitive service during his service in the armed forces;

(2) He has been released from the armed forces under honorable conditions;

(3) He is recommended for reinstatement by the same or some other agency;

(4) He meets the requirements of paragraph (b) of this section.

(e) In order to acquire a competitive status any person who was given a war-service indefinite appointment upon the date his position was brought into the competitive service under one of the situations described in paragraph (a) of this section shall meet the following conditions:

(1) His Federal position has become permanent, and he has remained continuously employed in the same agency since such appointment; or

(2) His position in a public or private enterprise has become a permanent position, and he has remained continuously employed in the same establishment since his appointment; and

(3) He must have entered on duty in the Federal agency or public or private enterprise prior to March 16, 1942 for positions in the service generally, or October 23, 1943, for positions in the field service of the Post Office Department; and

(4) He must meet the requirements of paragraph (b) of this section.

(f) Any person who was given a war-service indefinite appointment upon the date his position was brought into the competitive service under one of the situations described in paragraph (a) of this section and who entered on duty subsequent to March 16, 1942 for positions in the service generally, or October 23, 1943, for positions in the field service

of the Post Office Department, shall be subject to displacement, or retention if qualified, as war-service appointees in accordance with § 10.112 (a) of this chapter.

§ 3.102 *Certain persons entitled to veteran preference.* (a) Any person who establishes the present existence of a service-connected disability of not less than ten per cent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war-service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year, may acquire a competitive status subject to the following requirements:

(1) The employee shall have served satisfactorily in, and been recommended by the agency concerned. However, the Commission may request an agency to determine whether or not it will recommend the employee for status under this section and shall assume that recommendation has been made unless the agency makes an adverse recommendation within thirty days of receipt of the Commission's request.

(2) If the employee has not satisfactorily completed one year of service, he will be required to serve a one-year probationary period. All continuous service in the same or a different agency, which was in the same line of work as the position in which status is acquired; may be counted toward completion of such probationary period.

(3) He must pass such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

§ 3.103 *Disabled veterans who have completed a training course.* (a) When a disabled veteran shall have completed a course of training prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943, 57 Stat. 43, (Pub. Law 16, 78th Cong.), he may be appointed to the position for which the training was received provided the Commission determines that such training is adequate for the performance of the duties of the position. Such veteran may, upon recommendation of the agency concerned, acquire a competitive status upon passing such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

§ 3.104 *Employees who have served in the office of the President or on the White House staff.* (a) Any employee who has served at least two years in the immediate office of the President or on the White House staff may acquire a competitive status subject to the following requirements:

(1) His transfer to the competitive service must be requested by an agency.

(2) He must pass such examination as the Commission may prescribe. Any

law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment will also disqualify an applicant for acquisition of a competitive status.

§ 3.105 *Employees who have been reached on a register.* (a) An employee who was serving when his name was within reach for probational appointment on a civil service register appropriate for the position in which he was serving may acquire a competitive status subject to the following requirements:

(1) He has been continuously employed since his name was reached on such register.

(2) He is recommended for a competitive status, prior to expiration of the register on which his name appears, by the agency in which he was employed when his name was reached.

(b) Such employee will be required to serve a one-year probationary period.

(c) A non-veteran employee may not be granted status under this section until all veterans standing higher on the register have been given appropriate consideration under the Veterans' Preference Act.

§ 3.106 *Employees reached on a register prior to the War Service Regulations.*

(a) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving may acquire a competitive status subject to the following requirements:

(1) He was appointed to a competitive position for other than temporary job-employment lasting one year or less prior to the date such position was placed under the War Service Regulations.

(2) He has been continuously employed since his appointment and is recommended for a competitive status by the agency in which he is employed.

(3) He stood higher on such register than another eligible who received an original probational appointment therefrom.

§ 3.107 *Employees serving in competitive positions without competitive status.* (a) An employee who has served at least one year under an appointment not limited to one year or less and has received an eligible rating in an open competitive examination appropriate for the position occupied may acquire a competitive status subject to the following conditions:

(1) The Commission is about to require displacement of such employee by certification from the register;

(2) The lowest rating reached in the regular order of certification does not exceed his rating by more than five points.

(b) Where ten-point veterans are placed at the top of the register no person other than a ten-point veteran may be granted status under this section until all ten-point veterans standing higher on the register have been appointed or have been given appropriate consideration under the Veterans' Preference Act.

(c) In no event shall a non-veteran be granted status under this section until all veterans standing higher on the register have been appointed or have been

given appropriate consideration under that act.

(d) In determining the required one-year of service, military service may be included when such service was an interruption of the employee's present civilian service.

§ 3.108 Apportionment. When a competitive status is acquired in an apportioned position there shall be a charge against the State of the employee's legal or voting residence except when the employee is a veteran. However, the apportionment restrictions shall not be applied unless the acquisition of status is based on the employee's standing on a competitive register.

PART 4—GENERAL PROVISIONS

CIVIL SERVICE RULE IV

- Sec.
4.1 Prohibition against political activity.
4.2 Attempting to secure withdrawal from competition.
4.3 Method of filling vacancies.
4.4 Personnel reports.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

- 4.101 Investigations.
4.102 Investigation by correspondence.
4.103 Proposed order.
4.104 Hearing.
4.105 Final order.
4.106 Penalties.
4.107 Reemployment.

Withdrawal From Competition

- 4.201 Attempting to secure withdrawal from competition.

Definitions

- 4.301 Definitions.

AUTHORITY: §§ 4.1 to 4.301, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE IV

§ 4.1 Prohibition against political activity. Persons in the executive branch shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates, but such persons shall not use their official authority or influence for the purpose of interfering with an election or affecting the result thereof. Persons occupying positions in the competitive service shall not take any active part in political management or in political campaigns except as may be provided by or pursuant to statute.

§ 4.2 Attempting to secure withdrawal from competition. The Commission is authorized to take such disciplinary action as it deems appropriate whenever it finds that any person has influenced another person to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment.

§ 4.3 Method of filling vacancies. In his discretion an appointing officer may fill any position by appointment through the competitive system from a certificate of eligibles issued under authority of the Commission, or by promotion, demotion, reassignment, transfer, reinstatement or restoration in accordance with the Civil Service Regulations. He shall exercise

his discretion in all personnel actions solely on the basis of merit and fitness and without regard to political or religious affiliations, marital status, or race.

§ 4.4 Personnel reports. Each agency shall report to the Commission, in such manner and at such times as the Commission may prescribe, such personnel information as it may request relating to positions and officers and employees in the competitive service or excepted from the competitive service by statute or Executive order, whether permanent, indefinite, temporary, or subject to contract.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

§ 4.101 Investigations. (a) Investigations of cases involving charges of prohibited political activity on the part of an officer or employee (both hereinafter comprehended within the term "employee") subject to the provisions of § 4.1 of Rule IV shall be conducted jointly by representatives of the Commission and of the agency where the individual is employed, unless either the Commission or the agency signifies that it will be unable to participate in the investigation. The Commission shall be notified of any complaint of political activity received by an agency and shall be given an opportunity to cooperate in any investigation that the agency may decide to make. Likewise, the Commission will not proceed with any investigation until the agency has been notified and has been given an opportunity to participate.

(b) During the course of the investigation the employee shall be afforded an opportunity to make a statement, either personally or in writing, before the investigator, and shall be allowed to furnish names of witnesses who will support the statements he has made to the investigator.

§ 4.102 Investigation by correspondence. (a) In case the complaint involves a political activity violation that may be established by record evidence, the investigation may be conducted by correspondence. In such cases, the accused employee will be given an opportunity to furnish in writing any statement or information that he may desire and the employing agency will be furnished a copy of the letter directed to such accused employee allowing him the opportunity to furnish a statement.

§ 4.103 Proposed order. (a) When the Commission reaches the conclusion that a violation of § 4.1 of Rule IV has been established by the investigation, it shall issue a proposed order. This order, which shall include a statement of the charges against the employee and of the information in support thereof, shall be sent to the employee by registered mail, and he shall be allowed 15 days from the date of service to respond thereto in writing. A copy of this order shall also be sent to the agency in which the individual is employed. With his reply to the proposed order, the employee may request a hearing as hereinafter provided.

§ 4.104 Hearing. (a) The granting of a hearing shall not be a matter of right but shall be within the discretion of the Commission. No hearing shall be authorized in cases where the employee has admitted a violation or where a violation is established by indisputable record evidence.

(b) Hearings shall be held before a Hearing Examiner designated by the Commission and shall be at the Commission's office in Washington, D. C., unless the Commission shall order that the hearing be held elsewhere. All testimony shall be under oath or affirmation. The employee may appear personally or by or with counsel. Counsel appearing shall have been admitted to practice before the Commission in accordance with Rule 4 of the rules of practice under the act of August 2, 1939 as amended (§ 23.4 of this chapter).

(c) The hearing shall be of the limited scope necessitated by the Commission's lack of the power of subpoena in proceedings under § 4.1 of Rule IV. Because of the absence of that authority, it cannot undertake to conduct said hearing as a proceeding de novo, or to have evidence introduced therein in support of the charges against the respondent. Owing to the lack of subpoena power, evidence in support of charges must be limited to information given voluntarily. Such information is obtained upon an understanding of confidential treatment. Consequently, evidence supporting the charges cannot be introduced at the hearing. The hearing shall be unilateral, that is, it shall be only for the presentation of evidence on behalf of the employee in rebuttal of the charges disclosed by the proposed order. Counsel for the Commission may cross-examine witnesses.

(d) It shall be within the discretion of the Hearing Examiner to permit, and fix the time for, filing of briefs. The proceedings at the hearing will not be reported, unless the Commission shall so direct; but the employee shall have the privilege of himself having the evidence taken stenographically. If the proceeding is not taken by a reporter on behalf of the Commission, the employee and Commission counsel shall submit a summary thereof to the Hearing Examiner within a time fixed by him. Any disagreement concerning the contents of the summary shall be resolved by the Examiner, and the parties may file written exceptions. The summary and any exceptions shall be certified by the Hearing Examiner and shall become a part of the record.

§ 4.105 Final order. (a) The Commission's final order shall be based on the entire record of the case, including the report of the investigation, the reply of the employee to the proposed order, and in cases where a hearing has been granted, the report of the Hearing Examiner. If the employee does not reply to the proposed order within 15 days from the date of service, a final order shall be based on the report of investigation alone.

(b) The final order shall contain a statement of the charges that have been substantiated and shall prescribe the penalty to be imposed. Copies of the

final order shall be served on the respondent and on the agency wherein the individual is employed.

§ 4.106 Penalties. (a) Since violations of § 4.1 of Rule IV are by law violations also of section 9 (a) of the Hatch Act, the penalty required by that act must of necessity be imposed. The employee must be immediately removed from the position or office held and may not again be employed in such position or office. If the appointing officer fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall certify the facts to the head of the agency concerned for proceedings for withholding salary in accordance with § 5.5 of Rule V.

(b) When the Commission directs the removal of an employee for a violation of § 4.1 of Rule IV, and the Hatch Act, the penalty laid down in paragraph (a) of this section shall be applied, even where the agency reports that the individual has been removed, on grounds other than a violation of § 4.1 of Rule IV and the Hatch Act. Such individual may not again be employed in the position from which he was removed. The provisions of § 4.107 regarding reemployment in positions other than the one from which removal was effected shall also apply.

(c) The above procedure shall apply also where an employee has resigned from his position or office prior to the Commission's determination that he had violated § 4.1 of Rule IV, and the Hatch Act.

§ 4.107 Reemployment. (a) An employee removed for violation of § 4.1 of Rule IV may not be employed again, in accordance with a decision by the Comptroller General on the law (25 Comp. Gen. 271), in any position the salary or compensation of which is payable under the same appropriation as the position from which removed: *Provided*, That in all cases involving a finding that a Federal employee has engaged in prohibited political activity the Commission may consider the matter from a suitability standpoint and may establish a definite period of debarment applicable to the employee for all Federal positions within the Commission's jurisdiction.

Withdrawal From Competition

§ 4.201 Attempting to secure withdrawal from competition. (a) Applicants for competitive examination, or eligibles on any register, or officers or employees in the executive branch, shall not directly or indirectly persuade, induce, or coerce, or attempt to persuade, induce, or coerce any prospective applicant, applicant, or eligible to withhold filing application or to withdraw from competition or eligibility for positions in the competitive service for the purpose of either improving or injuring the prospects for appointment of any such applicant or eligible. The penalty for violation of this section by applicants or eligibles shall be cancellation of application or eligibility, as the case may be, and such other penalty as the Commission may deem appropriate.

Definitions

§ 4.301 Definitions. (a) As used in the regulations in Parts 1 to 10 of this chapter:

(1) "Agency" means any executive department or independent establishment of the Federal Government, including a Government owned and controlled corporation, and any portion of the legislative and judicial branches and of the Government of the District of Columbia insofar as they have positions subject to the Civil Service rules and regulations.

(2) "Appointing officer" means a person having power by law, or by lawfully delegated authority, to make appointments.

(3) "Armed forces" means the armed forces of the United States.

(4) "Competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service" or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches and of the District of Columbia Government which are specifically made subject thereto by statute. Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status.

(5) "Competitive status" means a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service rules and regulations for such noncompetitive actions. A competitive status is acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service rules.

(6) "Continuous service" means an active duty status but may include not more than one break in service of less than thirty calendar days.

(7) "Demotion" means a change from one position to another position of lower grade or lower minimum salary while serving continuously within the same agency.

(8) "Metropolitan area of Washington, D. C." means the area so defined by the Bureau of the Census, and includes the District of Columbia, and Alexandria City, Arlington County, and part of Fairfax County, Virginia, and parts of Montgomery and Prince Georges Counties, Maryland.

(9) "Military service" means active service in the armed forces of the United States.

(10) "Promotion" means a change from one position to another position of higher grade or higher minimum salary while serving continuously within the same agency.

(11) "Reassignment" means a change, without promotion or demotion, from one position to another position in a different line of work (such as from clerk to stenographer, chauffeur to guard, etc.) or in the same line of work (such as from

clerk-searcher to clerk-recorder) or in service (such as subprofessional to clerical, administrative and fiscal) while serving continuously within the same agency.

(12) "Removal" means separation from the service on charges of delinquency or misconduct, or because the employee's capacity is not sufficient to justify his retention in the service.

(13) "Rule" means Civil Service rule.

(14) "Suspension" means a temporary non-pay status and absence from duty required by the appointing officer for disciplinary reasons, or for other reasons pending inquiry.

(15) "Temporary indefinite" means temporary pending establishment of a register.

(16) "Transitional period" means the period from the revocation of the War Service Regulations to the establishment of registers of sufficient eligibles for probational appointment, or to the time particular positions can be filled by persons having a competitive status without the establishment of a register, as may be determined by the Commission.

(17) "Transfer" means a change of position during continuous Federal service without a break of one work day from one agency to another, or within the same agency from one official headquarters to another or from one organizational unit to another.

(18) "Veteran" means a person entitled to preference under the Veterans' Preference Act of 1944, including a person entitled to wife or widow preference under that act.

(19) "War Service Regulations" means the regulations issued by the Commission pursuant to Executive Order No. 9063 of February 16, 1942, as amended, and in effect from March 16, 1942 to March 7, 1946.

PART 5—REGULATIONS, INVESTIGATION AND ENFORCEMENT

CIVIL SERVICE RULE V

Sec.

5.1 Regulations.

5.2 Authority of the Commission to make investigations.

5.3 Officers and employees to furnish testimony.

5.4 Authority of the Commission to issue instructions as to discipline or separation.

5.5 Withholding salary.

AUTHORITY: §§ 5.1 to 5.5, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE V

§ 5.1 Regulations. (a) The Commission is authorized and directed to promulgate and enforce such regulations as may be necessary to carry out the provisions of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes or Executive orders imposing responsibilities on the Commission.

(b) The Commission is authorized, whenever there shall be practical difficulties and unnecessary hardships in complying with the strict letter of its regulations, to grant a variation from

the strict letter of the regulations if the spirit of the same is complied with and the efficiency of the Government and the integrity of the competitive service are protected and promoted: *Provided*, That whenever such a variation is made from the regulations the Commission shall record in the minutes of its proceedings (1) the particular practical difficulty or hardship, (2) what is permitted in lieu of what is required by regulation, (3) the circumstances which protect or promote the efficiency of the Government and the integrity of the competitive service, and (4) a statement limiting the application of the variation to the continuation of the conditions which gave rise to the variation: *Provided further*, That similar variations shall be granted whenever similar conditions exist. All minutes approved under authority of this section shall be published in the Commission's annual reports.

§ 5.2 Authority of the Commission to make investigations. The Commission may make appropriate investigations to secure enforcement of the Civil Service Act, Rules, and Regulations, including investigation of the qualifications and suitability of applicants for positions in the competitive service. It may authorize appointments conditioned upon a subsequent determination that the requirements of law or the Civil Service Rules and Regulations have been met.

§ 5.3 Officers and employees to furnish testimony. All officers and employees in the executive branch, and applicants or eligibles for positions therein, shall give to the Commission or its authorized representatives all information and testimony in regard to matters inquired of arising under the Civil Service Act, Rules, and Regulations. Whenever required by the Commission, such persons shall subscribe such testimony and make oath or affirmation thereto before an officer authorized by law to administer oaths.

§ 5.4 Authority of the Commission to issue instructions as to discipline or separation. Whenever the Commission finds that an appointment has been made in violation of the Civil Service Act, Rules, or Regulations, or that any employee subject thereto has violated such Act, Rules, or Regulations or is holding a position in violation thereof, it is authorized, after giving due notice and opportunity for explanation to the employee and the agency concerned, to certify the facts to the proper appointing officer with specific instructions as to discipline or dismissal.

§ 5.5 Withholding salary. If the appointing officer fails to carry out the instructions of the Commission issued under § 5.4 of this Rule, the Commission shall certify the facts to the head of the agency concerned. If the head of the agency fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall notify the Comptroller General of the United States and no payment or allowance shall be made of the salary or wages accruing to the employee concerned after such notification.

REGULATIONS UNDER CIVIL SERVICE RULE V

NOTE: No regulations have been issued under Civil Service Rule V.

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL SERVICE RULE VI

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| Sec. | |
| 6.1 | Positions excepted from the competitive service. |
| 6.2 | Assignment of excepted employees. |
| 6.3 | Requirements of the Veterans' Preference Act. |
| 6.4 | Lists of positions excepted from the competitive service. |

REGULATIONS UNDER CIVIL SERVICE RULE VI

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| 6.101 | Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service. |
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AUTHORITY: §§ 6.1 to 6.101, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE VI

§ 6.1 Positions excepted from the competitive service. (a) Because of their confidential or policy-determining character, or because it is not practicable to make appointments thereto through competitive examination, the positions named in Schedules A and B, set out in § 6.4 of this Rule shall be excepted from the competitive service. The Commission may, upon the request of an agency, determine that similar positions also should be excepted from the competitive service. Upon publication in the FEDERAL REGISTER of its determination excepting such positions from the competitive service, appointment thereafter may be made to such positions in the same manner as under Schedules A and B (§ 6.4). At the end of each fiscal year the Commission shall submit to the President for review a list of the positions which it has excepted from the competitive service under this section during such year.

(b) Appointments to positions in Schedule A (§ 6.4 (a)) may be made without examination by the Commission.

(c) Appointments to positions in Schedule B (§ 6.4 (b)) shall be subject to such noncompetitive examination as the Commission may prescribe.

(d) Appointment under either Schedule A or B (§ 6.4) shall not confer a competitive status. Final decision as to whether the duties of a particular position are such that appointment to it is authorized under Schedule A or B (§ 6.4) shall rest with the Commission. The Commission, with the concurrence of the agency concerned, may revoke in whole or in part any paragraph of Schedule A or B (§ 6.4): *Provided*, That such revocation shall be published in the FEDERAL REGISTER.

(e) An appointing officer in his discretion may fill any position in Schedule A or B (§ 6.4) or any position excepted from the competitive service by statute in the same manner as competitive positions are filled.

(f) Whenever any position in Schedule A or B (§ 6.4) is occupied by a person having a competitive status, he shall be

separated from such position only in accordance with the provisions of this order and the Civil Service Rules and Regulations. Whenever any position excepted from the competitive service by statute is occupied by a person having a competitive status he shall not be entitled to the protection against separation provided by such Rules and Regulations.

§ 6.2 Assignment of excepted employees. Any person appointed without competitive examination to a position in Schedule A or B (§ 6.4), or to a position excepted from the competitive service by statute, shall not be assigned to the work of a position in the competitive service without prior approval of the Commission.

§ 6.3 Requirements of the Veterans' Preference Act. The regulations issued by the Commission pursuant to section 11 of the Veterans' Preference Act shall apply to positions listed in Schedule A and B (§ 6.4) and positions excepted from the competitive service by statute.

§ 6.4 Lists of positions excepted from the competitive service—(a) Schedule A. The following positions are those excepted from the competitive service to which appointments may be made without examination by the Commission, and constitute Schedule A of the Civil Service Rules:

- (i) Entire Executive Civil Service.
- (i) Chaplains.
- (ii) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.
- (iii) Positions to which appointments are made by the President without confirmation by the Senate.
- (iv) Attorneys.
- (v) Chinese, Japanese, and Hindu interpreters.

(vi) Any position in which the appointee will receive compensation aggregating not more than \$720 per annum, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission. All such employment shall be reported on the regular reports of personnel action; and in addition, unless payment is at a per annum rate of \$720 or less, the total service rendered and its distribution shall be shown on reports submitted at the end of each calendar year; if separation occurs prior to the close of a calendar year, report should be submitted at the time of separation. Additional employment of the appointee by another agency, under similar conditions, shall be subject to the prior approval of the Commission.

(vii) Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in subdivisions (viii) and (ix) of this subparagraph, and except the following:

- (a) All positions in Hawaii;
- (b) Positions in the Immigration and Naturalization Service, Department of Justice, in Canada and Mexico;

(c) Positions in the Bureau of Customs, Treasury Department, in foreign countries, in Puerto Rico and in the Virgin Islands.

(viii) Positions on the Isthmus of Panama, except: accountant, architect, architectural designer, bookkeeper, calculating machine operator, chemist, clerk (paying more than \$150 in U. S. currency per month), custodian, dietitian, draftsman, employee counselor, medical technician, personnel aide, personnel assistant, pharmacist, physician, play-ground director, statistician, stenographer, storekeeper, surgeon, trained nurse, typist, and harbor personnel of the Quartermaster Corps, War Department.

(ix) Positions in Alaska, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Persons formerly appointed under this subdivision may be reinstated to positions in Alaska with the approval of the Commission.

(x) Temporary, part-time, or intermittent employments of mechanics, skilled laborers, and tradesmen on construction or repair work in places where there is no local board of examiners of the Civil Service Commission for the employing establishment, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Seasonal employments of a recurring nature are not authorized under this subdivision.

(xi) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(xii) Positions without compensation provided such appointments meet the requirements of applicable laws relating to compensation.

(xiii) Professional, scientific and technical experts for temporary, part-time or intermittent employment for consultation purposes.

(xiv) Unskilled laborers at any city, locality or establishment where the Labor Regulations were not in effect on July 1, 1941. The Commission, with the concurrence of the department or agency concerned, may include within the competitive civil service unskilled laborer positions at any such city, locality, or establishment.

(xv) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) *State Department.* (i) Five special assistants to the Secretary of State.

(ii) All positions under international commissions, congresses, conferences, and boards, except the International Joint Commission; the International Boundary Commission, United States, and Mexico; and the International Boundary Commission, United States, Alaska, and Canada.

(iii) Chief and Assistant Chief of the Foreign Service Buildings Office.

(iv) Two private secretaries or confidential assistants to the Secretary of State.

(v) One private secretary or confidential assistant to the Under Secretary

of State, the Counselor, the Assistant Secretaries of State, the Legal Advisers, and other officials of the Department holding the rank of Assistant Secretary of State.

(vi) One chauffeur for the Secretary of State.

(vii) Gage readers employed part-time or intermittently by the International Boundary Commission, United States and Mexico at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(viii) Temporary field employees of the International Boundary Commission, United States, Alaska, and Canada, such as instrument men, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days a year.

(3) *Treasury Department.* (i) Two private secretaries or confidential assistants to the Secretary of the Treasury, and one to each Assistant Secretary of the Treasury, and one to the Under Secretary of the Treasury.

(ii) Special employees in the field service of the Bureau of Narcotics; and special employees for temporary detective work in the field service of the Bureau of Internal Revenue under the appropriation for detecting and bringing to trial and punishment persons violating the internal revenue laws. Appointments under this subdivision shall be limited to persons whose services are required because of individual knowledge of violations of the law, and such appointments shall be continued only so long as the personal knowledge possessed by the appointee of such violation makes his services necessary. This exemption from competition is for special and unusual cases only and report shall be made to the Commission by letter as soon as the appointment is made.

(iii) Bureau of Customs: Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(iv) Coast Guard: Lamplighters.

(v) Five assistants to the Secretary of the Treasury.

(vi) Receivers of insolvent national banks and other financial institutions appointed by the Comptroller of the Currency with salaries payable from the funds of insolvent institutions, and the employees of such receivers.

(vii) One assistant to the Under Secretary of the Treasury.

(viii) Until December 31, 1947, positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, in the Office of the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(ix) Until December 31, 1947, positions of State Director and Deputy State Director of the U. S. Savings Bonds Division.

(x) Two chauffeurs for the Secretary of the Treasury.

(xi) Radio Director in the United States Savings Bonds Division.

(xii) Student assistants whose individual salaries shall not aggregate more than \$832 a year. Only bona fide undergraduate or graduate students at colleges or universities of recognized standing shall be eligible for appointment under this subdivision. Appointments under this subdivision shall not exceed 90 working days in any calendar year.

(4) *War Department.* (i) Two private secretaries or confidential assistants to the Secretary of War and one to each Assistant Secretary of War.

(ii) One chauffeur for the Secretary of War.

(iii) Transportation Corps: Long-shoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(iv) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(v) Student assistant positions under the Office of the President, Mississippi River Commission, concerned with scientific engineering investigations when filled by the appointment of students in attendance at colleges and universities of recognized standing, *Provided*, That substantial contributions to the investigations are made by such colleges or universities in money, services, advice, or materials, or in the use of buildings, laboratories, equipment, facilities, or otherwise. Such employment may be continued under this authority only so long as the appointee is a bona fide student in a particular college or university and receives academic credit toward a degree for the work he is performing: *And provided*, That appointments to such positions will not exceed fifteen in number at any particular time, and will be for a period not to exceed nine months.

(vi) Land appraisers employed in the Engineer Department on a temporary or indefinite basis for specific projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Department are required for successful results.

(vii) Caretakers of abandoned military reservations or of abandoned or unoccupied military posts when the positions are filled by retired noncommissioned officers or enlisted men.

(viii) Civilian professors, instructors, teachers, hostesses, chapel organist and choirmaster at the United States Military Academy, West Point, New York, and librarian when filled by an officer of the Regular Army retired from active service, except teachers at the Children's School.

(ix) During the emergency declared by the President to exist on May 27, 1941, all positions in the War Department on the Isthmus of Panama.

(x) Unskilled laborers and munitions handlers engaged in handling Ordnance matériel, including ammunition, where temporary or intermittent employment is necessary.

(xi) Messenger boys employed on the Alaska Communications System.

(xii) Internes (medical and dental) in Army hospitals.

(xiii) During the emergency declared by the President to exist on May 27, 1941, positions in the Army Motion Picture Service and positions of hostess and librarian under the Special Services Division, War Department, assigned to Army posts.

(xiv) Civilian deans and professors at the Army Air Forces Institute of Technology, Wright Field, Dayton, Ohio.

(xv) Civilian Directors of Studies employed for not to exceed six months in any twelve-month period for service at the National War College, Washington, D. C.

(5) *Navy Department.* (i) Two private secretaries or confidential assistants to the Secretary of the Navy, one to each Assistant Secretary of the Navy and one to the Under Secretary of the Navy.

(ii) Professors, instructors, and teachers in the United States Naval Academy.

(iii) Positions the duties of which are of a quasi-naval character and involve the security of secret or confidential matter, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(iv) Positions of orderly at the United States Naval Home when filled by the appointment of beneficiaries of the Home.

(v) Technical or professional consultants or advisors, at entrance rate of P-5 or its equivalent and above, employed for not to exceed six months a year.

(vi) One chauffeur for the Secretary of the Navy.

(vii) Caretakers or guards employed at closed or decommissioned facilities of the Navy Department. Appointments under this subdivision shall not extend beyond six months, except with the prior approval of the Commission.

(viii) Alien scientists employed under the program for utilization of alien scientists approved under pertinent State, War and Navy Coordinating Committee Directives.

(6) *Department of Justice.* (i) Director and three assistant directors of prisons.

(ii) Two private secretaries or confidential assistants to the Attorney General, and one to each of the following: Assistant to the Attorney General, Solicitor General, Assistant Solicitor General, and each Assistant Attorney General.

(iii) One chauffeur for the Attorney General.

(iv) Eight positions in the immediate office of the Attorney General in addition to those excepted under subdivision (ii) of this subparagraph.

(v) Members of the Board of Parole.

(vi) All positions in the Federal Bureau of Investigation.

(vii) One private secretary to the Commissioner of Immigration and Naturalization.

(viii) Federal Prison Industries, Inc.: The Commissioner of Industries.

(ix) Three Deputy Commissioners of Immigration and Naturalization.

(x) Deputy United States Marshals paid on a fee basis.

(xi) Positions of bailiff in the United States courts.

(7) *Post Office Department.* (i) Two private secretaries or confidential assistants to the Postmaster General, one to each Assistant Postmaster General, and one to the Solicitor of the Post Office Department.

(ii) One private secretary or confidential assistant to the head of each bureau (or office) in the Post Office Department in Washington, D. C., who is appointed by the President.

(iii) Clerks in fourth class post offices.

(iv) One chauffeur for the Postmaster General.

(v) Four special assistants to the Postmaster General.

(vi) Substitute rural carriers.

(vii) Special delivery messengers in second, third, and fourth class post offices.

(viii) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than \$1,700 per annum.

(ix) The Solicitor of the Post Office Department.

(x) Fourth class postmasters in the Hawaiian Islands.

(xi) One private secretary to the Executive Assistant to the Postmaster General.

(8) *Department of the Interior.* (i) Two private secretaries or confidential assistants to the Secretary of the Interior and one to each Assistant Secretary of the Interior.

(ii) One chauffeur for the Secretary of the Interior.

(iii) Office of the Secretary: One assistant to the Secretary.

(iv) Engineers, geologists, economists, architects and appraisers in a consulting or advisory capacity for temporary, part-time, or intermittent employment. Employments under this subdivision shall not exceed 120 working days a year unless prior permission is given by the Commission for the extension of an additional 120 days. This time limit does not apply to consultants on reclamation work authorized by the act of February 28, 1929, as amended.

(v) Positions in the Bureau of Indian Affairs, Washington, D. C., and in the field, when filled by the appointment of Indians who are of one-fourth or more Indian blood.

(vi) One private secretary or confidential assistant to the head of each bureau in the Interior Department who is appointed by the President, and one each to the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(vii) All positions in the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin.

(viii) Agricultural extension agents and home demonstration agents employed in field positions in the Indian Service, the work of which is financed jointly by the Indian Service and cooperating persons, organizations or governmental agencies outside the Federal service.

(ix) Office of the Secretary: Six special agents in the Office of Field Representatives to investigate fraudulent entries and other matters of a criminal nature.

(x) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department, subject to the approval of the Commission.

(xi) Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of the Interior.

(xii) Housekeepers in the Indian Service at a gross salary not in excess of entrance rate of grade CPC-1 or its equivalent.

(xiii) Agents in the Fish and Wildlife Service and the Bureau of Land Management employed in field positions, the work of which is financed jointly by the Interior Department and cooperating persons or organizations outside the Federal service.

(xiv) Positions in the field service of the Fish and Wildlife Service concerned with scientific fishery investigations when filled by the appointment of students at colleges and universities of recognized standing: *Provided*, That substantial contributions to the investigations are made by such college or universities in money, services, or materials or in the use of buildings, laboratories, equipment, or facilities or otherwise. Such employments may be continued under this authority only so long as the appointee is a bona fide student at the particular college or university and receives academic credit toward a degree for the work which he is performing for the Fish and Wildlife Service.

(xv) Office of the Secretary: Director and Assistant Director of the Division of Power.

(xvi) Office of the Secretary: One private secretary or confidential assistant to the Director of the Division of Power.

(xvii) National Power Policy Committee: The General Counsel.

(xviii) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond six months without the prior approval of the Commission.

(xix) Temporary, intermittent or seasonal field assistants in forestry, range management, soils, engineering, and with surveying parties, for not to exceed 180 working days a year.

(xx) Puerto Rico Reconstruction Administration: One Administrator and one Head Administrative Officer.

(xxi) Three members of the Federal Petroleum Board.

(xxii) Office of Indian Affairs: The Executive Director of the Indian Arts and Crafts Board.

(xxiii) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 120 working days a year.

(xxiv) Bonneville Power Administration: The Administrator.

(xxv) Division of Territories and Island Possessions: The Director of the Division.

(xxvi) Territory of Hawaii: One Hawaiian House Representative.

(xxvii) Virgin Islands: The Administrator of St. Croix, V. I.

(xxviii) Office of the Secretary: Six field representatives whose duties are of a confidential nature.

(xxix) Director of the Program Division.

(9) *Department of Agriculture.* (i)

(a) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service.

(b) Local agents, except veterinarians, employed temporarily outside of Washington in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(c) Positions the duties of which require a speaking knowledge of one of the Indian languages.

In making appointments under this subdivision, a full report shall be submitted immediately by the Department to the Commission setting forth the name, designation, and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties, in such detail as to indicate clearly that the appointment is properly made under one of the above classes. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

(ii) One chauffeur for the Secretary of Agriculture.

(iii) Two private secretaries or confidential assistants to the Secretary of Agriculture, one to the Under Secretary of Agriculture, and one to each Assistant Secretary of Agriculture.

(iv) Student assistants whose salaries shall not aggregate more than \$832 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employments under this subdivision shall not exceed 180 working days a year.

(v) Four assistants to the Secretary in the Office of the Secretary of Agriculture.

(vi) Any local veterinarian employed on a fee basis or a part-time basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(vii) The Solicitor of the Department of Agriculture.

(viii) Technical or professional consultants or advisers at salaries equivalent to entrance rate of grade P-5 or higher employed for not to exceed 180 working days a year.

(ix) Temporary seasonal field assistants in grades SP-1 through SP-5 for not to exceed 120 working days a year.

(x) Temporary, intermittent, or seasonal clerical, crafts, protective, and custodial positions in the field service of the Department of Agriculture at places other than civil service regional head-

quarters, paying not to exceed entrance rate of CAF-4 or its equivalent, or CPC-6 or its equivalent, whichever is applicable, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(xi) Temporary or seasonal caretakers at temporarily closed camps or improved areas. Such appointments shall not extend beyond a period of six months without prior approval of the Commission's regional director.

(xii) Owner-operators of equipment who are residents in the area of employment for periods not to exceed 180 actual working days in any one calendar year.

Bureau of Agricultural Economics. (xiii) Temporary, intermittent field enumerators and supervisors at salaries not exceeding entrance rate of CAF-5 or its equivalent, for not to exceed 180 working days a year.

Farm Credit Administration. (xiv) One private secretary or confidential assistant each to the Governor of the Farm Credit Administration, the Land Bank Commissioner, the Intermediate Credit Commissioner, the Production Credit Commissioner, and the Cooperative Bank Commissioner.

(xv) Positions in the Federal Intermediate Credit Banks, the Production Credit Corporations, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

(xvi) Positions in the Regional Agricultural Credit Corporations, joint stock land bank receivers, and petitions in receiverships, and national farm loan association receivers and conservators.

(xvii) Temporary, intermittent and seasonal collectors at grades not higher than CAF-5 for not to exceed 180 working days a year.

Commodity Credit Corporation. (xviii) Members of the Board of Directors.

(xix) The President, two Vice Presidents, and one assistant to the President.

Rural Electrification Administration. (xx) One Deputy Administrator.

Forest Service. (xxi) Temporary forest workers employed for not to exceed 180 working days a year, such employment to be with headquarters other than in forest supervisor and regional officers unless employed primarily for fire prevention or suppression activities.

(xxii) Temporary, intermittent or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest, subject to approval by the Commission.

Production and Marketing Administration. (xxiii) The Director, Assistant Directors, Regional Directors, and State Directors of the Field Service Branch.

(xxiv) Members of State Committees of the Field Service Branch.

(xxv) Farmer fieldmen and farmer fieldwomen in the Field Service Branch to interpret and explain and supervise farm programs.

(xxvi) Temporary, intermittent and seasonal employees in the Field Service Branch to check allotments whose aggregate employment shall not exceed 120 working days a year.

(xxvii) Farmer fieldmen of the Federal Crop Insurance Corporation.

(xxviii) The Administrator, two Deputy Administrators, three Assistant Administrators, assistants to the Administrator, at salaries equivalent to entrance rate of CAF-13 or higher, ten experts at salaries equivalent to entrance rate of CAF-13 or higher, for the duration of the war; two private secretaries to the Administrator, and one chauffeur for the Administrator.

(xxix) Loss adjusters employed locally on an intermittent basis to handle adjustments in crop losses under the Federal Crop Insurance Act for not to exceed 120 working days a year.

Farmers' Home Administration. (xxx) The Deputy Administrator and three Assistant Administrators.

(xxxi) State and county committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(xxxii) The Administrator and Assistant Administrator for the Research and Marketing Act.

(10) *Executive Office of the President.*

(i) Bureau of the Budget: One private secretary or confidential assistant each to the Director and Assistant Director.

(ii) *Department of Commerce.* (i) Two private secretaries or confidential assistants to the Secretary of Commerce, one to the Under Secretary of Commerce, one to the Solicitor of the Department of Commerce, and one to each Assistant Secretary of Commerce.

(ii) One private secretary or confidential assistant to the head of each bureau in the Department of Commerce who is appointed by the President.

(iii) One chauffeur for the Secretary of Commerce.

(iv) Student assistants in the National Bureau of Standards whose salaries shall not exceed a rate of \$832 a year each while employed. Only bona fide students at high schools or colleges of recognized standing pursuing technical or scientific courses shall be eligible for appointment under this subdivision. Appointments shall not exceed six months in any one calendar year, except in especially meritorious cases, and then only upon prior approval of the Commission. Appointments under this subdivision shall be reported to the Commission in such form as the Commission may prescribe.

(v) Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of Commerce.

(vi) Office of the Secretary of Commerce: Six assistants to the Secretary.

(vii) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey as may be authorized by the Commission after consultation with the Department of Commerce. Appointments to such positions shall not exceed eight months in any one calendar year.

(viii) Caretakers and helpers at magnetic and seismological observatories outside continental United States.

(ix) Caretakers and light attendants employed on emergency landing fields and other air navigation facilities.

(x) One private secretary or confidential assistant to the Administrator of the Civil Aeronautics Administration.

(xi) Agents to take and transmit meteorological observations in connection with airways, whose duties require only part of their time, and whose compensation does not exceed \$135 a month.

Weather Bureau. (xii) Agents employed in field positions the work of which is financed jointly by the Department of Commerce and cooperating persons, organizations, or governmental agencies outside the Federal service.

In making appointments under this subdivision, a full report shall be submitted immediately by the Weather Bureau to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under the above subdivision. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

Bureau of the Census. (xiii) Supervisors, assistant supervisors, and supervisors' clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year. Such appointments may be extended for not to exceed one year with the express prior approval of the Commission.

(xiv) Employments of individuals, firms, or corporations for not to exceed one year for special statistical studies and statistical compilations, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292), *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(xv) Special agents employed in collecting cotton statistics.

Inland Waterways Corporation. (xvi) All employees of the Inland Waterways Corporation except:

(a) All employees of general offices at St. Louis, Missouri; New Orleans, Louisiana; Chicago, Illinois; Birmingham, Alabama; New York, New York; Washington, D. C.; but not including the President, Vice Presidents, and the Secretary-Treasurer.

(b) Division Managers, District Managers, District Superintendents, Superintendents of Maintenance and their staffs.

(xvii) All members of the Advisory Board.

(xviii) All positions under the Warrior River Terminal Company.

(12) *Interstate Commerce Commission.* (i) One private secretary or confidential assistant to each commissioner.

(13) *Department of Labor.* (i) Commissioners of conciliation in labor disputes whenever in the judgment of the

Secretary of Labor the interests of industrial peace so require.

(ii) Office of the Secretary: Three special assistants to the Secretary.

(iii) One private secretary or confidential assistant to the head of each bureau in the Department of Labor who is appointed by the President.

(iv) One private secretary or confidential assistant to each of the following: The Secretary of Labor, the Under Secretary of Labor, and each Assistant Secretary of Labor.

(v) One chauffeur for the Secretary of Labor.

(vi) [Revoked September 26, 1947.]

(vii) [Revoked September 26, 1947.]

(viii) [Revoked September 26, 1947.]

(ix) Three administrative officers (special assistants to the Assistant Secretary).

(x) Two administrative officers.

(xi) Two labor economists (liaison officers).

(xii) Administrative Officer, CAF-15 (Special Assistant to the Under Secretary of Labor).

(xiii) Director, Division of Labor Standards.

(xiv) Chief, Minorities Group Section, United States Employment Service.

(14) *General Accounting Office.* (i) One private secretary or confidential assistant to the Comptroller General.

(ii) Two assistants to the Comptroller General.

(15) *Board of Governors, Federal Reserve System.* (i) All positions.

(16) *The Tax Court of the United States.* (i) One private secretary and two technical assistants for each Judge of the Court.

(ii) Until December 31, 1947, a Clerk of the Court and a Chief Deputy Clerk.

(iii) One administrative assistant to the Presiding Judge.

(17) *Federal Loan Agency; Reconstruction Finance Corporation.* (i) A Secretary to the Corporation, two assistants to the Secretary, five assistant Secretaries, a Treasurer, two assistants to the Treasurer, and four assistant Treasurers.

(ii) Two private secretaries or confidential assistants to each of the following: the Federal Loan Administrator; the Chairman of the Board of Directors. One private secretary or confidential assistant to each of the following: each Member of the Board of Directors (other than the Chairman); the Secretary of the Corporation; the Treasurer of the Corporation; the General Counsel.

(iii) One assistant, and twelve special assistants, to the Board of Directors, and one assistant to each member of the Board of Directors.

(iv) Six administrative assistants and two junior administrative assistants in the Office of the Board of Directors.

(v) Six special representatives (field).

(vi) Four chauffeurs for the Chairman and members of the Board of Directors.

(vii) All directors, trustees, and officers (President, Vice President, General Counsel, Assistant General Counsel, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer) of subsidiary or affiliated corporations.

(viii) Any position when the incumbent thereof is serving as director or

officer of any subsidiary or affiliated corporation.

(ix) One General Counsel, one Special Counsel, and six Assistant General Counsels.

(x) A Chief Accountant.

(xi) Division Chiefs of the following Divisions: Auditing, Agency, Examining, Railroad, Self-Liquidating, Statistical and Economic, and Information.

(xii) Section Chiefs of the following Sections of the Self-Liquidating Division: Public Agency, Mining, Bond Service, and Drainage and Irrigation.

(xiii) Six Assistant Chiefs and three Administrative Assistants in the Examining Division.

(xiv) Two special examiners in the Railroad Division.

(xv) Not to exceed 32 positions of Loan Agency Manager and 36 positions of Assistant Loan Agency Manager.

(xvi) Inventory custodians, watchmen, caretakers, and laborers engaged in the care and preservation of property held by the Corporation or its subsidiaries as security for loans, or property to which title has been acquired by the Corporation or its subsidiaries.

(xvii) Positions of Executive Director of the following offices: Office of Defense Plants, Office of Metals Reserve, Office of Defense Supplies, Office of Rubber Reserve.

(xviii) Chief Administrative Officer of the Price Adjustment Board.

(18) *Veterans' Administration.* (i) Five special assistants to the Administrator.

(ii) One private secretary or confidential assistant to the Administrator.

(iii) Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if, in the opinion of the Veterans' Administration, the duties can be satisfactorily performed by such members.

(19) *Federal Security Agency.* (i) Two private secretaries or confidential assistants to the Administrator of the Federal Security Agency.

National Office of Vital Statistics. (ii) Supervisors, assistant supervisors, and supervisors' clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year.

Public Health Service. (iii) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subdivision shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(iv) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(v) All positions in leprosy, yellow fever, and psittacosis investigation stations.

(vi) Trainees in cancer research.

(vii) Positions concerned with problems in preventive medicine financed or participated in by the Federal Security Agency and a cooperating State, county, municipality, incorporated organization, or an individual, in which at least one-half of the expense is contributed by the

cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(viii) Professional, technical, or scientific specialists when employed on a fee basis or part-time basis as consultants in connection with problems in preventive medicine, subject to the prior approval of the Commission.

(ix) Internes and externes (medical and dental) and student nurses.

St. Elizabeths Hospital. (x) Visiting physicians and organist.

Food and Drug Administration. (xi) Professional, technical or scientific specialists when employed intermittently for short periods, not to exceed a total of 60 days in any one year, as members of the Standards Committee for duty in connection with the formulation of definitions and standards of identity and quality for food products, or as consultants upon problems in their specialized fields having to do with the enforcement of the Food, Drug, and Cosmetic Act.

Freedmen's Hospital. (xii) Pupil nurses, internes, and externes (medical and dental), student dietitians, and resident physicians.

Office of Special Services. (xiii) One private secretary or confidential assistant to the Commissioner.

(20) *National Military Establishment, Office of the Secretary of Defense.* (i) Two private secretaries or confidential assistants to the Secretary of Defense.

(ii) Two chauffeurs for the Secretary of Defense.

(iii) Five special advisers to the Secretary of Defense.

Research and Development Board. (iv) Thirteen Executive Directors, eleven Deputy Directors, eight Scientific Warfare Advisers, two Chiefs of Branches, one Head of Section.

(21) *U. S. Maritime Commission.* (i) All positions on Government-owned ships operated by the U. S. Maritime Commission.

(ii) Twelve positions of Director of Division.

(iii) One assistant to each member of the Commission and two assistants to the Chairman of the Commission.

(iv) Ten special assistants to the United States Maritime Commission.

(v) The Secretary of the Commission.

(vi) The General Counsel.

(vii) One private secretary or confidential assistant to each Commissioner and to the General Counsel.

(viii) The Executive Director.

(ix) The Financial Assistant to the Chairman.

(22) *Federal Power Commission.* (i) One private secretary and one confidential assistant to each Commissioner.

(ii) A Secretary to the Commission.

(iii) Consultants, experts and special counsel whose employments and compensation are fixed by contract within the limits of special funds appropriated by Congress for this purpose.

(iv) Three special assistants to the Commission.

(v) One assistant to the Chairman.

(23) *Securities and Exchange Commission.* (i) One private secretary or confidential assistant to each member of the Commission.

(ii) A Solicitor.

(iii) Director of Trading and Exchange Division, Director of Public Utilities Division, Director of Corporation Finance Division, and Director of Investment Companies Division.

(iv) One Chief Accountant.

(v) One assistant to the Chairman.

(24) *National Railroad Adjustment Board.* (i) One private secretary or confidential assistant to each member of the Board.

(25) *National Capital Park and Planning Commission.* (i) Architectural or engineering consultants, land appraisers and land purchasing officers for temporary, intermittent, or part-time service.

(26) *Federal Deposit Insurance Corporation.* (i) Two special assistants, private secretaries, or confidential assistants to each member of the Board of Directors.

(ii) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(27) *Federal Trade Commission.* (i) Assistant to the Chairman and Director of Information.

(ii) General Counsel.

(iii) Chief Trial Counsel.

(iv) Chief, Planning and Budget Division.

(v) Director, Office of Legal Investigations.

(vi) Director of Trade Practice Conferences and Wool Act Administration.

(vii) Director, Division of Stipulations.

(viii) Director, Division of Accounts, Statistics and Economic Reports.

(ix) Director, Medical Advisory Division.

(28) *National Capital Housing Authority.* (i) The Executive Officer.

(29) *United States Soldiers' Home.* (i) All positions.

(30) *Federal Works Agency.* (i) Agents employed in field positions the work of which is financed jointly by the Federal Works Agency and cooperating persons, organizations, or governmental agencies outside the Federal service.

In making appointments under this subdivision, a full report shall be submitted immediately by the Federal Works Agency to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under this subdivision. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

Office of the Administrator. (ii) Two expert assistants to the Administrator.

Public Buildings Administration. (iii) The Commissioner of Public Buildings.

(iv) One private secretary or confidential assistant to the Commissioner.

Public Roads Administration. (v) The Commissioner of Public Roads.

(vi) One private secretary or confidential assistant to the Commissioner.

(31) *Federal Communications Commission.* (i) A Secretary to the Commission.

(ii) One private secretary or confidential assistant to each Commissioner.

(iii) A General Counsel and three Assistant General Counsels.

(iv) A Chief Engineer and three Assistant Chief Engineers.

(v) A Chief Accountant and three Assistant Chief Accountants.

(32) *United States Tariff Commission.* (i) The Secretary of the Commission and one private secretary or confidential assistant to each Commissioner.

(33) *Railroad Retirement Board.* (i) Two members of the Actuarial Advisory Committee to be selected by the Board, one from recommendations made by representatives of the employees, and one from recommendations made by the carriers.

(ii) Two members of each District Board which may be established by the Railroad Retirement Board, one member to be appointed from recommendations made by the representatives of the employees, and one from recommendations made by the carriers.

(34) *Civil Aeronautics Board.* (i) A Secretary to the Board.

(ii) A General Counsel and two Assistant General Counsels.

(iii) Two permanent expert consultants.

(iv) Professional, technical and scientific consultants for temporary, part-time or intermittent employment for periods not to exceed six months in any one calendar year, but such employment may be extended for an additional six months with the approval of the Commission.

(v) [Revoked August 7, 1947.]

(vi) Examiners employed on a temporary, part-time, or intermittent basis for periods not to exceed four months in any calendar year.

(vii) One confidential assistant to each member of the Board.

(viii) A Director and two Assistant Directors of the Economic Bureau and a Director and Assistant Director of the Safety Bureau.

(35) *National Labor Relations Board.* (i) One private secretary or confidential assistant to each member of the Board.

(36) *Government Printing Office.* (i) One private secretary or confidential assistant to the Public Printer.

(37) *Export-Import Bank of Washington.* (i) Two private secretaries or confidential assistants to the Chairman of the Board of Directors and one to each member of the Board.

(ii) The President, three Vice-Presidents, the Treasurer, the Secretary.

(iii) Chiefs of the following Divisions: Legal, Economic, Examining, Engineering, and Private Capital.

(38) *War Assets Administration.* (i) Temporary field positions concerned with the inspection, inventory, pricing, sale, and shipping of surplus property at the site of the property.

(ii) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(39) *National Housing Agency. Federal Home Loan Bank Administration.* (i) One Deputy Commissioner.

(ii) One Executive Assistant and one Assistant to the Commissioner.

(iii) One private secretary or confidential assistant to the Commissioner.

(iv) One General Counsel and one assistant to the General Counsel in charge of financial matters and matters of financial policy referred to the Legal Department.

(v) One Financial Adviser.

Federal Home Loan Bank System. (vi) The Governor and three Deputy Governors of the Federal Home Loan Bank System.

(vii) One assistant to the Governor.

(viii) One Associate General Counsel.

Federal Savings and Loan Insurance Corporation. (ix) One General Manager and two Deputy Managers.

(x) One Associate General Counsel.

(xi) All field positions concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

Home Owners' Loan Corporation.

(xii) One General Manager and two Deputy General Managers.

(xiii) One Associate General Counsel.

Federal Housing Administration. (xiv) One First Assistant Commissioner, five Assistant Commissioners, one Assistant to the Commissioner, and five Zone Commissioners.

(xv) An Executive Secretary of the Administration.

(xvi) Two private secretaries or confidential assistants to the Commissioner.

(xvii) One chauffeur to the Commissioner.

(xviii) A General Counsel.

(xix) One assistant to the Commissioner on public relations.

(xx) Sixty-five field directors (State, District, and Territorial).

Federal Public Housing Authority. (xxi) One private secretary or confidential assistant to the Commissioner.

(40) *Indian Claims Commission.* One private secretary or confidential assistant to each Commissioner.

(41) *Office of Selective Service Records.* Fifty-four positions of State Director and fifty-four positions of Assistant State Director.

(42) *Civil Service Commission.* Student assistants whose salaries shall not aggregate more than \$832 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Appointments under this subdivision shall not exceed 90 working days in any one calendar year.

(43) *Commission on Organization of the Executive Branch of the Government.* Not to exceed 25 positions.

(44) *National Security Resources Board.* (i) Six positions of special advisers and research assistants to the Chairman.

(45) *National Security Council.* (i) Not to exceed 25 positions.

Central Intelligence Agency. (ii) All positions.

Schedule B

(b) *Schedule B.* The following positions are those excepted from the competitive service to which appointments may be made after such noncompetitive examination as the Commission shall prescribe, and constitute Schedule B of the Civil Service Rules:

(1) *Interior Department.* (i) Any competitive position at an Indian school when filled by the wife of a competitive employee of the school; when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

(ii) Twelve field representatives to act as the immediate and confidential representatives of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Commission may prescribe after consultation with the Commissioner of Indian Affairs.

(2) *National Housing Agency. Federal Public Housing Authority.* (i) Administrative or custodial positions in the field service of the Federal Public Housing Authority relating to the management or maintenance of Federal low-rent housing projects when, in the opinion of the Commission, appointment through competitive examination is impracticable: *Provided*, That no position shall be filled under this paragraph unless it is clearly demonstrated that the best interests of the service will be served thereby.

Federal Housing Administration. (ii) A Technical Director; a Land Planning Director; a Director of Research and Statistics.

(iii) A Comptroller.

(iv) Two land use planners.

(3) *Department of Commerce.* (i) Not to exceed six specialists who may be employed in the United States for the purpose of promoting the foreign and domestic commerce of the United States.

(4) *War Department.* (i) Positions of military storekeeper in the Signal Service at Large when filled by retired noncommissioned officers of the Signal Corps.

(ii) Any position outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of War the best interests of the service so require.

(iii) Positions assigned exclusively to Army Communications Intelligence activities.

(5) *District of Columbia Government.* (i) Surgeons of the Police and Fire Departments of the District of Columbia.

(6) *Federal Trade Commission.* (i) Not to exceed five special experts.

(7) *State Department.* (i) Specialists in foreign relations, political, economic, and financial, whose proposed compensation is fixed at entrance rate of grade P-3 or higher, and whose training and experience along the lines of their proposed duties meet the standard minimum qualifications set up in open competitive examinations for positions in the

professional service for corresponding grades.

(ii) Persons formerly employed abroad as United States diplomatic or consular officers of career or foreign-service officers of career for the period of at least four years, for service in the Department of State as administrative officers or executive advisors in positions comparable in salary with the associate professional grade or higher.

(iii) Positions of professional and technical specialists in the fields of health and sanitation, food supply, education and transportation, in grade P-5 or its equivalent, in the Institute of Inter-American Affairs and the Inter-American Educational Foundation, Incorporated, when filled by the appointment of persons who have served in such positions in the Federal service in foreign countries.

(8) *Navy Department.* (i) Positions assigned exclusively to Navy Communications Intelligence Activities.

(ii) Any position outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of the Navy the best interests of the service so require.

(9) *Post Office Department.* (i) One postal rate expert.

(10) *Federal Power Commission.* (i) A General Counsel and two Assistant General Counsels.

(ii) [Deleted September 5, 1947.]

(iii) Five regional engineers.

(iv) A Chief and an assistant chief of the following bureaus: Bureau of Accounts, Finance and Rates, Bureau of Power.

(v) One chief of each of the following nine divisions: Accounts, Electrical, Finance and Statistics, Gas Certificates, Licensed Projects, Original Cost, Projects Cost, Rates, and River Basin.

(vi) A Chief Accountant.

(11) *Department of Agriculture.* (i) Commodity Credit Corporation: Technical or professional consultants or advisers, at salaries equivalent to entrance rate of grade P-5 or higher, for periods not to exceed 18 months.

(ii) Farm Credit Administration: The Deputy Governor, Deputy Commissioners and Assistant Commissioners, the Director and Assistant Director of the Regional Agricultural Credit Division, and the Director of the Mortgage Corporation Service Section.

(iii) Farm Credit Administration: Special field representatives who serve as Vice Presidents of the Federal Farm Mortgage Corporation.

(12) *National Capital Housing Authority.* (i) Architectural or engineering consultants, construction supervisors, landscape planners, surveyors and related positions for temporary, intermittent or part-time service.

(13) *Department of Justice.* (i) National Training School for Boys: Assistants to cottage officers when filled by the appointment of bona fide students at colleges or universities at salaries not in excess of \$720 per annum, subject to the approval of the Commission.

(ii) Special experts employed on a temporary basis for specific litigation or

other legal work in which technical knowledge of particular industries, or knowledge of other highly technical matters not possessed by regular employees of the Department, is required for successful results. Such temporary employment shall be only for such time as is required to complete the specific assignment for which the original appointment was approved.

(14) *Office of Selective Service Records.* Five positions filled by the transfer of State Directors and Assistant State Directors who were appointed under Schedule A.

REGULATIONS UNDER CIVIL SERVICE RULE VI

§ 6.101 Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service. (a) The regulations issued by the Commission pursuant to section 11 of the Veterans' Preference Act of 1944 for the administration and enforcement of the provisions of that act in connection with positions excepted from the competitive service shall be followed by agencies with respect to positions listed in Schedules A and B of the rules (§ 6.4 of Rule VI) and positions excepted from the competitive service by statute.

CROSS REFERENCE: For regulations governing appointment to positions excepted from the competitive service, see Part 21 of this chapter. For regulations governing appeals of preference eligibles under the Veterans' Preference Act, see Part 22 of this chapter.

PART 7—REINSTATEMENT

Sec.

- 7.101 General requirements for reinstatement of persons who have competitive status.
- 7.102 Extension of time limits after certain types of employments.
- 7.103 Commission approval required for certain reinstatements.
- 7.104 Agency authority for reinstatement.

AUTHORITY: §§ 7.101 to 7.104, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 7.101 General requirements for reinstatement of persons who have competitive status. (a) A person having a competitive status at the time of separation from the Federal service may be reinstated subject to the following requirements:

(1) Reinstatement must be made within one year of separation if the period of service was less than two years, within two years if the period of service was two years or more but less than three years, within three years if the period of service was three years or more but less than four years, within four years if the period of service was four years or more but less than five years, and without time limitation if the period of service was five years or more.

(2) If separated during his probationary period, reinstatement must be made within one year of separation, but such reinstatement shall be subject to completion of probation and may be made only in the same agency and in the same type of position, grade, and locality except that a probationer separated through reduction in force may be reinstated in any agency and to any position in any locality if he meets the qualifica-

tions standards for promotion or reassignment to the position.

(3) Veterans may be reinstated without regard to any time limitations specified in this section.

(4) The qualifications standards of the Commission for promotion or reassignment to the position must be met.

(5) The applicant must be eligible under the apportionment quota restrictions of § 2.110 of this chapter unless he is a veteran or has previously served in the apportioned service. However, the Commission may, upon request of the agency, waive the apportionment when the reinstatement is in the interest of good administration.

§ 7.102 Extension of time limits after certain types of employments. (a) The period of eligibility for reinstatement of any person with a competitive status who left his position and within thirty days entered on duty in one of the following described employments, shall begin to run from the date of termination of continuous and satisfactory service in such employment:

(1) An excepted position in the executive branch of the Government.

(2) A position in the judicial branch of the Government or in the executive or judicial branches of the insular possessions of the United States.

(3) The legislative branch of the Government.

(4) The service of an international governmental organization, or of a Territorial, State, county, municipal or foreign government in a position in which he has acquired valuable training and experience for the position to be filled.

(5) A training course in any educational institution of recognized standing when the Commission finds that he has acquired valuable training or experience for the position to be filled.

(6) Compulsory service on work of national importance under civilian direction as required by the Selective Training and Service Act.

§ 7.103 Commission approval required for certain reinstatements. (a) A certificate by the Commission authorizing the reinstatement must be obtained by any agency when:

(1) A waiver of the apportionment is requested in the interest of good administration.

(2) A former employee eligible under § 7.102 is proposed for reinstatement.

(3) The person proposed for reinstatement was removed for cause from his last position in the Federal or District of Columbia Government, or when his removal was made at the specific request of the Commission for any of the reasons stated in § 2.104 of this chapter.

(b) Prior approval for reinstatement must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which reinstatement is proposed.

(2) The Commission has not issued qualifications standards for such position unless reinstatement is to be made to a position in the same (or lower)

grade in the same line of work as a position previously held in the Federal service.

(3) The reinstatement of a non-veteran is desired to a position the filling of which is restricted by § 2.102 (c) (1) of this chapter.

§ 7.104 Agency authority for reinstatement. (a) The Commission hereby delegates authority to agencies to reinstate any person who meets the requirements of § 7.101 except where a certificate of the Commission is required by § 7.103 (a), or prior approval must be obtained in cases falling under § 7.103 (b).

(b) The Commission may disapprove any reinstatement, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

PART 8—PROMOTION, DEMOTION, REASSIGNMENT, AND TRANSFER

Sec.

- 8.101 General requirements for promotion, demotion, reassignment, and transfer of employees who have competitive status.
- 8.102 Commission approval required for certain promotions, demotions, reassignments, and transfer.
- 8.103 Agency authority for promotion, demotion, reassignment, or transfer.
- 8.104 Status and tenure unchanged.

AUTHORITY: §§ 8.101 to 8.104, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 8.101 General requirements for promotion, demotion, reassignment, and transfer of employees who have competitive status. (a) An employee having a competitive status may be promoted, demoted, reassigned, or transferred subject to the following requirements:

(1) The qualifications standards of the Commission for promotion or reassignment to the position must be met.

(2) An employee serving in a position in the clerical, administrative and fiscal service classified at Grade 7 or a comparable or higher salary level, who has served continuously in the field or non-apportioned service of an agency for at least the three years immediately preceding, may be transferred, promoted, demoted, or reassigned to an apportioned position not lower than Grade CAF-7 in the same agency without regard to the apportionment. In all other transfers, promotions, demotions, or reassignments the employee must be eligible under the apportionment quota restrictions of § 2.110 of this chapter unless he is a veteran or has previously served in the apportioned service. However, the Commission may, upon request of the agency, waive the apportionment when the transfer, promotion, demotion, or reassignment is in the interest of good administration.

(3) He must complete the probationary period in the new position if he is promoted, demoted, reassigned, or transferred before completion of probation.

§ 8.102 Commission approval required for certain promotions, demotions, reassignments, and transfer. (a) A certificate by the Commission authorizing the promotion, demotion, reassign-

ment, or transfer must be obtained by an agency when a waiver of the apportionment is necessary and requested in the interest of good administration.

(b) Prior approval for promotion, demotion, reassignment, or transfer must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, demotion, reassignment, or transfer is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment, demotion, or transfer is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

(3) When the promotion, demotion, reassignment, or transfer of a non-veteran is desired to a position the filling of which is restricted by § 2.102 (c) (1) of this chapter.

§ 8.103 Agency authority for promotion, demotion, reassignment, or transfer.

(a) The Commission hereby delegates authority to agencies to promote, demote, reassign, or transfer an employee who meets the requirements of § 8.101 except where a certificate of the Commission is required by § 8.102 (a), or prior approval of qualifications must be obtained in cases falling under § 8.102 (b).

(b) The Commission may disapprove any promotion, demotion, reassignment, or transfer, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

§ 8.104 Status and tenure unchanged.

(a) The status or tenure of an employee will not be changed by promotion, demotion, reassignment, or intra-agency transfer under this part. No time limit administratively placed on an appointment by inter-agency transfer shall affect the employee's right to permanent tenure in the agency in which employed unless he was transferred to a position with a time limitation of six months or less.

PART 9—SEPARATIONS AND DEMOTIONS

Sec.

9.101 Agency responsibility for separation or demotion of employees.

9.102 Procedure in separating or demoting permanent and indefinite employees.

9.103 Procedure in separating employee serving a probationary or trial period.

9.104 Procedure in separating temporary appointees.

9.105 Authority of Commission to investigate separations.

9.106 Effect of removal on future employment.

9.107 Suspensions.

AUTHORITY: §§ 9.101 to 9.107, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 9.101 *Agency responsibility for separation or demotion of employees.* (a) The employing agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment

will promote the efficiency of the service. The grounds for disqualification of an applicant for examination stated in § 2.104 of this chapter shall be included among those constituting sufficient cause for removal of an employee.

(b) The discretion vested in the appointing officer to remove employees under his jurisdiction, or to take other disciplinary action, is subject only to the following restrictions:

(1) Employees serving under other than a probationary or temporary appointment in the competitive service, and employees having a competitive status who occupy positions in Schedule A or B, shall not be removed or demoted except for such cause as will promote the efficiency of the service and in accordance with the procedure prescribed in § 9.102.

(2) Discrimination shall not be exercised in removals or demotions because of an employee's religious opinions or affiliations, or because of his marital status or race, or except as may be required by law, because of his political opinions or affiliations.

(3) Like penalties shall be imposed for like offenses whenever removals or demotions are made, or when other disciplinary actions are taken.

§ 9.102 Procedure in separating or demoting permanent and indefinite employees.

(a) One of the following procedures shall be followed in connection with the removal, involuntary separation (other than retirement for age or disability), furlough in excess of 30 days, or demotion of any permanent or war service indefinite employee in the competitive service unless he is serving a probationary or trial period, or any employee having a competitive status who occupies a position in Schedule A or B. The procedural requirements of this section shall not apply to any person serving under temporary appointment, or whose removal is requested by the Commission under § 5.4 of Rule V.

(1) *Charges preferred against non-veteran employees.* Prior to separation or demotion for cause or capacity, the agency shall notify the employee in writing of the action proposed to be taken. This notice shall set forth specifically and in detail the charges preferred against him. The employee shall be allowed a reasonable time for personally answering such charges in writing and for furnishing affidavits in support of his answer. He shall not, however, be entitled to an examination of witnesses nor a trial or hearing except in the discretion of the agency. If the employee answers the charges, his answer must be considered by the agency. If, upon consideration of the evidence, the agency determines that the removal or other action is warranted, the employee shall be notified in writing of the reasons for the action taken and its effective date. Copies of the charges, notice of hearing (if any), answer, reasons for removal or other action, and of the notice of action taken shall be made a part of the records of the department or agency concerned.

(2) *Removal or other actions affecting veterans.* The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed in connection with the removal, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation of any veteran.

(3) *Separations or reductions in compensation required by official efficiency ratings.* The instructions promulgated by the Commission for the administration of the Uniform Efficiency Rating System required by section 9 of the Classification Act of 1923, as amended, shall be followed whenever the dismissal or reduction in compensation of an employee is based on the official efficiency rating assigned to him under that system.

(4) *Reduction in force.* The Retention Preference Regulations for use in reductions in force promulgated by the Commission pursuant to section 12 of the Veterans' Preference Act (Part 20 of this chapter) shall be followed whenever the employee's separation or furlough in excess of 30 days is caused by a reduction in force.

(5) *Demotion for administrative reasons.* A nonveteran whose demotion is proposed for administrative reasons shall be notified in writing of the reasons why his demotion will promote the efficiency of the service and of his right to appeal his demotion to the head of the agency concerned through the grievance procedures adopted by the agency. The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed whenever a veteran's demotion is proposed for administrative reasons.

§ 9.103 Procedure in separating employee serving a probationary or trial period.

(a) Any person serving a probationary or trial period shall be given a full and fair trial in the performance of the duties of the position to which appointed. If the performance of his duties or his conduct is not satisfactory to the agency his services shall be terminated by notifying him in writing of the reasons for his separation and of its effective date. The Retention Preference Regulations (Part 20 of this chapter) shall be followed whenever a probationer's separation is caused by reduction in force.

§ 9.104 *Procedure in separating temporary appointees.* (a) A person serving under a temporary appointment may be separated at any time upon notice in writing from the appointing officer.

§ 9.105 *Authority of Commission to investigate separations.* (a) Except as required by section 14 of the Veterans' Preference Act, the Commission shall not investigate or review the sufficiency of the reasons for removal, reassignment, or reduction in rank or compensation of an employee.

(b) The Commission may investigate the removal, reassignment, or demotion of an employee when such employee establishes a prima facie case that:

(1) The procedure prescribed by the Commission under § 9.102 (a) (1) has not been followed; or

(2) The removal, reassignment, or demotion was made for political reasons, except as may be required by law, or for religious reasons, or resulted from discrimination because of marital status or race.

§ 9.106 *Effect of removal on future employment.* When an employee has been removed on charges, the Commission may receive the sworn statement of such employee, setting forth fully and in detail the facts surrounding his removal, may within its discretion make investigation to determine his eligibility for reinstatement insofar as suitability and fitness are concerned, and will after such investigation advise such employee whether the Commission has as a result of the investigation found him to be suitable for reinstatement in the Government service. No case will be considered under this provision unless submitted to the Commission within six months from the date of removal.

§ 9.107 *Suspensions.* (a) The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed whenever a veteran is suspended for more than 30 days unless he is serving a probationary or trial period. Any nonveteran may be suspended for a period not to exceed 90 days pending action under § 9.102 (a) (1) or for disciplinary reasons. The period of suspension may be extended beyond 90 days with the prior consent of the Commission. The reasons for suspension shall at the time of the suspension be filed in the records of the department or agency concerned.

PART 10—SPECIAL TRANSITIONAL PROCEDURES

- Sec.
- 10.101 Method of filling vacancies.
 - 10.102 Reappointment of war service indefinite employees during the transitional period.
 - 10.103 Promotion, demotion, reassignment, and transfer of war service indefinite employees during the transitional period.
 - 10.104 Promotion, demotion, reassignment, and transfer of temporary indefinite employees during the transitional period.
 - 10.105 Agency authority to make promotions, demotions, reassignments, transfers and reappointments during the transitional period.
 - 10.106 Tenure under this part.
 - 10.107 Status and tenure of persons having competitive status who were transferred or reappointed under the War Service or Temporary Civil Service Regulations.
 - 10.108 Statutory restoration after military service.
 - 10.109 Regulatory restoration after military service.
 - 10.110 Restoration in another agency.
 - 10.111 Reemployment benefits after transfer.
 - 10.112 Replacement of war service and temporary appointees.

AUTHORITY: §§ 10.101 to 10.112, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 10.101 *Method of filling vacancies.* (a) (1) Until agencies have been notified

by the Commission that the procedures provided in the regulations in this part for the transitional period may no longer be used for particular positions, a vacancy may be filled by any person eligible under this part or by a temporary appointment pending establishment of a register in accordance with § 2.114 (e) of this chapter. A vacancy in any position for which such notice has been issued shall be filled only by a person having a competitive status or by selection for probational appointment from an eligible register.

(2) The requirements of Parts 7 and 8 of this chapter must be followed whenever a vacancy is filled noncompetitively by a person having a competitive status.

(b) The authority to fill vacancies by temporary appointment, or by persons eligible under this part, may be suspended by the Commission whenever, in accordance with § 2.109 (c) of this chapter, it certifies to an agency the name of veterans examined under section 10 of the Veterans' Preference Act or entitled to priority in certification because of lost opportunity for probational appointment due to military service.

§ 10.102 *Reappointment of war service indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), any former employee who served under a war service indefinite appointment at any time during his last continuous service may be reappointed within 30 days of separation if he meets the qualifications standards of the Commission for promotion or reassignment to the position: *Provided*, That this period may be extended to 90 days in the case of an employee who proves by a certificate signed by the head of a liquidated agency by which he was last employed that he had been required by the exigencies of the service to serve continuously in active duty during the final two months of the agency's operations and through the final date of its liquidation.

§ 10.103 *Promotion, demotion, reassignment, and transfer of war service indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), any employee who, during his current continuous service, has served under a war service indefinite appointment may be promoted, demoted, reassigned, or transferred if he meets the qualifications standards of the Commission for promotion or reassignment to the position.

§ 10.104 *Promotion, demotion, reassignment, and transfer of temporary indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), an employee serving under temporary indefinite appointment may be promoted, demoted, reassigned, or transferred only within the same agency. Such employee must meet the qualifications standards of the Commission for promotion or reassignment to the position.

§ 10.105 *Agency authority to make promotions, demotions, reassignments, transfers and reappointments during the transitional period.* (a) The Commission hereby delegates authority to agen-

cies to promote, demote, reassign, transfer, or reappoint any employee who meets the requirements of this part, except that prior approval to take such action must be secured when a non-veteran is proposed for a position the filling of which is restricted by § 2.102 (e) (1) of this chapter. Prior approval of the qualifications of the person proposed for promotion, demotion, reassignment, transfer, or reappointment must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, demotion, reassignment, transfer, or reappointment is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment, demotion, transfer, or reappointment is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

(b) The Commission may disapprove any promotion, demotion, reassignment, transfer, or reappointment, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

§ 10.106 *Tenure under this part.* (a) The tenure of an employee will not be changed by promotion, demotion, reassignment, transfer, or reappointment under this part unless he is assigned to a position with a time limitation of six months or less. However, an employee who has served under war service indefinite appointment and then received an excepted appointment shall be considered as having a war service appointment when promoted, demoted, reassigned, transferred, or reappointed under this part.

§ 10.107 *Status and tenure of persons having competitive status who were transferred or reappointed under the War Service or Temporary Civil Service Regulations.* (a) No employee who was transferred from a probational or permanent civil service appointment during the period the War Service Regulations or the Temporary Civil Service Regulations were in effect shall by reason of such transfer, lose his right to permanent tenure. No time limit administratively placed on the appointment to the position to which transferred without his consent shall affect the employee's rights to permanent tenure in the agency by which employed.

(b) Any employee who, on or after March 16, 1942, (or in the case of the Post Office field service, on or after October 23, 1943) was appointed or reappointed (or whose appointment was automatically converted to a war service appointment) under the War Service Regulations without break in service of 30 calendar days or more after satisfactory service and separation from a probational or permanent Civil Service appointment, shall be entitled to the same benefits he would have had under reinstatement under the Civil Service rules. Such an employee has permanent tenure and competitive status in the agency in which employed unless he was appointed

or reappointed with a time limitation of one year or less. An employee reappointed under the Temporary Civil Service Regulations will have the same civil service status and tenure in the agency to which reappointed as he had in the agency in which he last served unless he was reappointed with a time limitation of six months, or less.

§ 10.108 Statutory restoration after military service. (a) Any civilian employee of the executive branch of the Government who has left or leaves a position (other than a temporary position) in order to perform active service in the armed forces of the United States shall be restored to the position he left, or if that position does not exist, to a position of like seniority, status, and pay. Restoration shall be made within 30 days of application for reemployment. In order to be entitled to restoration under this section the employee shall (1) have been honorably separated from the armed forces; (2) be qualified to perform the duties of the position; and (3) make application for reemployment within 90 days after he is relieved from active service, or from hospitalization continuing after discharge for a period of not more than one year.

(b) Failure of the agency to act within the 30-day period will not affect the employee's right to restoration. The employee's tenure with the agency will determine whether he left other than a temporary position. The fact that the last position the returning veteran held through promotion or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status, and pay.

§ 10.109 Regulatory restoration after military service. (a) Any civilian employee in the competitive service who has left or leaves a temporary position in order to perform active service in the armed forces of the United States shall be reemployed either in the position he left, or one of like seniority, status, and pay in the same geographical locality in which formerly employed, so long as such a position is occupied by an employee with lower retention preference. His reemployment shall be subject to the following requirements: The employee shall (1) have been honorably separated from the armed forces; (2) be qualified to perform the duties of the position; (3) make application for reemployment within 90 days after he is relieved from active service, or from hospitalization continuing after discharge for a period of not more than one year; and (4) have been serving under an appointment not limited to one year or less when he entered the armed forces. Reemployment under this section shall be made within 30 days of application but shall not require the removal through reduction in force of any employee with higher retention preference, nor extend the limitation placed on the employee's original appointment.

(b) Failure of the agency to act within the 30-day period will not affect the employee's right to reemployment. The fact that the last position the returning veteran held through promotion

or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status, and pay.

(c) Any person who, in order to perform active service in the armed forces of the United States, has left or leaves a position in a public or private enterprise (other than a temporary position limited to one year or less) which was or is subsequently taken over by the Federal Government shall be entitled to reemployment in accordance with this section. Upon such reemployment he shall be entitled to all the benefits accorded other employees taken over by the Government.

§ 10.110 Restoration in another agency. (a) In lieu of restoration in the agency he left, any person who meets the conditions of §§ 10.108 or 10.109 for restoration after service in the armed forces may be reemployed under this section in any other agency, in that agency's discretion, in any position for which he meets the qualifications standards of the Commission for promotion or reassignment to such position. The prior approval of the Commission for such reemployment shall be required only when:

(1) It is desired to make an exception to the qualifications standards for the position to which reemployment is proposed;

(2) The Commission has not issued qualifications standards for such position unless reemployment is to be in a position in the same (or lower) grade in the same line of work as a position previously held in the Federal service.

(b) Any person reemployed under this section may, to the extent consistent with law, be extended all of the benefits that he would have received if he had been restored in the agency he left to enter the armed forces. Reemployment under this section of a person having regulatory restoration rights shall not extend the limitation placed on his original appointment.

§ 10.111 Reemployment benefits after transfer. (a) Any person, except one who was holding a temporary position, who was transferred by the Commission with reemployment rights under authority of Executive Order No. 8973 or 9067 or War Manpower Commission Directive No. X, shall be entitled to the rights specified in paragraph (b) of this section if he:

(1) Gives the agency in which he has reemployment rights 30 days' advance written notice of his intent to exercise his reemployment rights and that he has secured the consent of the agency in which he is employed, or upon appeal, of the Commission, to the exercise of such rights: *Provided*, That such notice may not be withdrawn by the employee without forfeiture of his rights under this section. If furloughed or separated from the activity to which transferred, he shall give such advance notice not later than 40 days after such furlough or separation. In any event, such notice shall be given not later than six months after the end of World War II as officially determined.

(2) Is still qualified to perform the duties of the position.

(b) Any person meeting the requirements of paragraph (a) of this section shall be entitled to the following rights:

(1) If his transfer was to another Federal agency, he shall be entitled to 30 days' notice from the agency to which he was transferred, prior to the termination of his services with such agency, unless such termination is for cause.

(2) He shall be reemployed within 30 days of his application in the same agency and to the maximum extent practicable, in the same locality, in his former position, or in a position of like seniority, status, and pay, in such manner, to the extent consistent with law, that he does not lose any of the rights or benefits to which he would have been entitled had he not been transferred or released: *Provided*, That such a position then exists that is not held by a person having higher retention preference.

(c) In the event of the transfer of any employee under a series of transfers, all of which were with reemployment rights, such reemployment rights shall continue to be applicable only to the agency from which the employee was originally transferred.

(d) An employee who was transferred within the Government service with reemployment rights, or an employee who was transferred with reemployment rights from a Government position for employment in an essential activity conducted by a public or private enterprise, and who, while employed in the agency or enterprise to which transferred, enters active service with the armed forces of the United States, shall be entitled to the same reemployment rights with respect to the Government position from which he was transferred as those to which he would have been entitled had he entered active military or naval service while employed in such Government position.

(e) A person initially appointed for the duration of the war who was transferred with reemployment rights will not be required to be reemployed at the cessation of the war (as officially determined) in the agency in which he was originally employed.

(f) Whenever an agency is considering filling any position by promotion from within the agency, it may give the same consideration to a former employee who has transferred from that agency with reemployment rights therein as he would have received if he still occupied the position he left. Such a former employee may be selected for the promotion, and, if he is not authorized to return at that time to the position to which promotion is made, his reemployment rights at the time application is made for reemployment in the agency shall be applicable to the position to which promotion was made during his absence.

(g) The regulations issued by the Commission pursuant to Executive Order No. 9721 of May 10, 1946, and Executive Order No. 9862 of May 31, 1947 (Part 26 of this chapter), authorizing the transfer with reemployment rights of civilian employees of the executive branch of the Government to public in-

ternational organizations in which the United States Government participates, and certain American Missions, shall be followed in connection with such transfers.

§ 10.112 *Replacement of War Service and temporary appointees.* (a) Upon the establishment of appropriate registers of eligibles through either restoration under § 2.107 (c) of this chapter of persons who lost opportunity for probational appointment because of military service, or entrance of the names of ten-point veterans under section 10 of the Veterans' Preference Act, or competitive examination, or when the Commission determines that positions can be filled by promotion, transfer, reassignment or reinstatement of persons having a competitive status without the necessity of establishing an appropriate register, the Commission shall require the displacement of persons occupying positions in the competitive service who do not have permanent tenure. The displacement of such persons shall be made in the following order:

(1) War-service and other temporary appointees who have not qualified in the appropriate examination.

(2) All other war-service and all other temporary appointees unless they are reached and selected for probational appointment, or acquire a competitive status in accordance with § 3.1 (b) (7) of Rule III.

(b) The Commission shall determine the duration of war-service appointments, but no such appointment may extend beyond the six months period following the official termination of World War II unless specifically authorized by the Commission.

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

Sec.	
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AUTHORITY: §§ 20.1 to 20.14, inclusive, issued under sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861.

§ 20.1 *Extent of part.* The regulations in this part establish degrees of retention preference and uniform rules for reductions in force. They apply to all civilian employees in the executive branch of the Federal Government, and in the municipal government of the District of Columbia, except those whose appointments are required to be approved by the Senate, and those who are appointed by the President of the United States.

§ 20.2 *Definitions.* For the purpose of the regulations in this part definitions

are given for words, terms, and phrases as follows:

(a) "Reduction in force" means the involuntary separation from the rolls of a department, or furlough in excess of thirty days, of one or more employees in order to reduce personnel. Reduction of personnel may have to be made because of lack of funds, personnel ceilings, reorganization, decrease of work, to make a position available for a former employee with established reemployment or restoration rights, or for other reasons. However, the term does not apply to (1) termination of temporary appointments limited to one year or less, (2) retirement of employees, or (3) separations for unsatisfactory service.

(b) "Retention groups" and "subgroups" means classes of employees entitled to the same degree of retention preference on the basis of tenure of employment and veteran preference.

(c) "Retention credits" are credits for length of service and efficiency ratings in determining retention order in each retention subgroup. They are computed by allowing one point for each full year of Federal Government service plus five points for an "Excellent" efficiency rating, three points for a "Very Good" efficiency rating, and one point for a "Good" efficiency rating. This paragraph shall be effective with respect to notices in reductions in force issued on and after September 15, 1946, or, with respect to individual agencies, at any date prior thereto at the option of the agency: *Provided*, That, with respect to ungraded positions under the Navy Department this paragraph shall be effective on October 15, 1946.

(d) "Federal Government service" means the total of all periods of service eligible for consideration for civil service retirement purposes, without regard to whether the employee is eligible or will be eligible actually to receive retirement benefits. All active military service is counted whether or not veteran preference is given therefor or whether it is eligible to be considered for civil service retirement purposes. Total service shall consist only of full years of creditable service, but fractions of a year shall be considered in arriving at the total.

(e) "Efficiency rating" means (1) for employees paid under the compensation schedules of the Classification Act, the current official efficiency rating under the Uniform Efficiency Rating System; and (2) for other employees the current efficiency rating under an efficiency rating system which has been approved by the Civil Service Commission.

(f) "Veteran preference employee" means an employee entitled to veteran preference under the Veterans' Preference Act of 1944.

(g) "Department" means an entire executive department, parent organization with constituent agencies, independent establishment, government-owned or government-controlled corporation of the Federal Government, the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the executive branch of the Federal Government created by Act of Congress or Executive order.

(h) "Governmental entity" means a department, bureau of a department, parent organization, constituent agency, independent establishment, entire field installation, regional office, or field station, an operating department of the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the Federal Government created by Act of Congress or Executive order.

(i) "Competitive area" means a governmental entity, a combination of governmental entities, or that part of a governmental entity for which approval has been secured from the Commission, within which employees of a competitive level are considered to be in competition.

(j) "Competitive level" means all positions in the same grade of the same service, trade, or profession (although they may have different titles or different pay rates), in which interchange of personnel is feasible.

§ 20.3 *Retention preference — (a) Classification.* For the purpose of determining relative retention preference in reductions in force, employees shall be classified according to tenure of employment in competitive retention groups and subgroups as follows:

Group A: All employees currently serving under absolute or probational civil service appointments or who were appointed, reappointed, transferred or promoted from absolute or probational civil service appointments to war service indefinite or trial period appointments without a break in service of 30 days or more. With respect to positions excepted from the Civil Service Act and rules, this includes all status and non-status employees currently serving in excepted positions under appointments without time limitation, or all employees who transferred from absolute or probational appointments in the competitive service to war service indefinite or trial period excepted appointments.

A-1 Plus during one-year period after return to duty, as required by law.

A-1 With veteran preference unless efficiency rating is less than "Good".

A-2 Without veteran preference unless efficiency rating is less than "Good".

A-3 With veteran preference where efficiency rating is less than "Good".

A-4 Without veteran preference where efficiency rating is less than "Good".

Group B: All employees serving in positions in the competitive service without competitive status or serving under appointments limited to the duration of the present war or for the duration of the war and not to exceed six months thereafter, or otherwise limited in time to a period in excess of one year, except those specifically covered in Groups A and C.

B-1 With veteran preference unless efficiency rating is less than "Good".

B-2 Without veteran preference unless efficiency rating is less than "Good".

B-3 With veteran preference where efficiency rating is less than "Good".

B-4 Without veteran preference where efficiency rating is less than "Good".

Group C: All employees serving under appointments specifically limited to one year or less, all non-citizen employees serving within the continental limits of the United States, its territories or possessions, all employees continuing beyond the automatic retirement age, and all annuitants appointed under section 2 (b) of the Civil Service Retirement Act, as amended.

C-1 With veteran preference unless efficiency rating is less than "Good".

C-2 Without veteran preference unless efficiency rating is less than "Good".

C-3 With veteran preference where efficiency rating is less than "Good".
C-4 Without veteran preference where efficiency rating is less than "Good".

(b) *Bureau of Indian Affairs; preferred retention standing of employees of Indian descent.* Within each of the subgroups in paragraph (a) of this section competing employees in the Bureau of Indian Affairs composed of Indians and non Indians, employees with Indian preference shall have preferred retention standing over all competing non Indians in the same subgroup.

§ 20.4 *Completion of employee records.* (a) Departments and governmental entities are responsible for maintaining current records of information necessary for determining retention preference of employees.

If these records are incomplete, they shall be supplemented by written statements from employees, supported by a signed certificate substantially as follows:

I certify that the information submitted herewith is true, correct, and complete to the best of my knowledge and belief.

(b) Employees who have served continuously without a break in service of thirty days or more in positions subject to the Civil Service Act and rules since before March 16, 1942 (October 23, 1943, in the field service of the Post Office Department):

(1) Are in Group A unless appointed under authority of Executive Order Nos. 8257, 8564, or 8458 (former Civil Service Rule VIII), or new Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter), and have not acquired a civil service status.

(2) Are in Group B if appointed under authority of Executive Order Nos. 8257, 8564, or 8458 (former Civil Service Rule VIII) or new Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter), unless they acquired a civil service status under Executive Order Nos. 8833 or 8952, or the Commission's Departmental Circular 457 or 517, in which case they are in Group A.

(c) Employees appointed after March 16, 1942 (October 23, 1943, in the field service of the Post Office Department), initially or reappointed after a break in service of thirty days or more are in Group B unless:

(1) They are currently holding appointments definitely limited to one year or less—in which case they are in Group C.

(2) They are occupying positions excepted from the Civil Service Act and rules and not limited in duration—in which case they are in Group A.

(d) Whenever a department is unable to obtain from its records or from an employee information as to his classified (competitive) civil service status or length of service necessary to establish his retention preference standing, under the above rules, the Commission, upon the receipt of a request on Standard Form No. 66, will supply the information, if available, from its records.

§ 20.5 *Determination of competitive area.* The area in which a reduction

in force is made should be a governmental entity as defined in § 20.2 (h).

No reduction in force affecting employees in retention groups A or B shall be made in any smaller competitive area in Washington, D. C., or vicinity, without obtaining prior approval from the Central Office of the Commission, or elsewhere without securing prior approval from the appropriate regional or branch office of the Commission. Approval will be given if the proposed competitive area is large enough to prevent the loss of highly efficient employees, to allow true competition to exist, and to protect the high retention preference of group A employees. Consideration will be given to the extent of the competitive level or levels to be affected, whether the proposed competitive area has independence of operation, work functions, and personnel administration (although policies may be established in higher department levels), whether the staff of the proposed competitive area is separately organized and clearly distinguishable from other units of the governmental entity, and whether it is within local commuting distance of other units of the governmental entity.

If there is doubt as to the size and scope of competitive areas, or if it is desired to establish competitive areas smaller than governmental entities as a standard practice for reductions in force, departments shall submit proposed plans of such competitive areas to the Central Office of the Commission. When approved, subsequent clearance with the Commission will not be necessary unless (a) a proposed competitive area does not conform to the plan, (b) reorganization has affected the plan, or (c) there has been a change in the facts upon which the plan was originally based.

§ 20.6 *Special regulations relating to consolidations and mergers.* (a) Before any reduction in force is made in connection with the transfer of any or all of the functions of one department to another continuing department all veteran preference employees and all retention group A employees assigned to any such function shall be transferred to such continuing department, without change in tenure of employment.

(b) Where in the course of the liquidation of an agency, employees are transferred only for purposes of liquidation, the benefits of paragraphs (b), (c), (d), and (e) of § 20.9 shall apply only to those employees assigned to operating functions which continue in operation for more than 60 calendar days after the transfer.

§ 20.7 *Compilation of retention register.* Whenever there is to be a reduction in force there shall first be determined the competitive level or levels to be affected. Each employee whose official position is in such a competitive level shall be considered in competition in his retention group in any reduction in force, whether he is in a duty or leave status, pay or nonpay status, or actually engaged on work in another department, another competitive area, or in another competitive level; excluding only those in the active military service of the

United States or in the Merchant Marine.

A retention register shall be compiled for each competitive level in which a reduction in force is to be made, showing the names of all employees in competition by retention groups and subgroups. It shall be arranged in sequence showing subgroup A-1 plus with highest retention preference, followed in order by subgroups A-1, A-2, A-3, A-4, B-1, B-2, B-3, B-4, C-1, C-2, C-3, and C-4. Within each subgroup in retention groups A and B where some but not all employees may be affected by the reduction in force, names shall be arranged in sequence according to retention credits, with higher retention preference accorded to those with a greater number of retention credits. No computations of retention credits are necessary for employees in any retention subgroup which will not be affected by the reduction in force, in any subgroup where all of the employees are to be separated, or in retention group C. For this purpose, the employee records shall be reviewed and brought up to date with respect to length of service, efficiency ratings, and other particulars regarding which changes have occurred since the records were last made current.

This register shall be maintained in the order specified for inspection by employees, and shall at all times be available for inspection by representatives of the Commission.

§ 20.8 *Sequence of selection.* Within each competitive level, action must be taken to eliminate all employees in lower subgroups before a higher subgroup is reached, and within each subgroup of retention groups A and B, action must be taken concerning all employees with a lower number of retention credits before an employee with a higher number of retention credits is reached, except as provided below. Action may be taken at administrative discretion within any subgroup of retention group C. Whenever two or more employees are tied for position in retention group A or B, the ties shall be broken first by considering half years of service in excess of total years for which retention credits were granted, and then by giving consideration to such matters as official conduct, or established administrative policy.

In unusual situations, an employee performing necessary duties which cannot be taken over by any other available employee with higher retention preference without undue interruption to the activity involved, may be retained, although employees with higher retention preference may be affected. A written statement of the reasons for such exceptions shall be made for inspection by employees adversely affected and for review by representatives of the Commission.

When a reduction in force is necessary only because of a curtailment in funds from which excepted employees are paid, only employees in excepted positions shall be considered in competition for the reduction in force.

Seasonal employees shall be considered in competition only with other seasonal employees in reductions in force.

Employees serving on a when-actually-employed (WAE) basis shall be considered in competition only with other when-actually-employed employees in reductions in force.

No discrimination shall be exercised, threatened or promised in any reduction in force against or in favor of any employee because of race, sex or marital status, or his political or religious opinions or affiliations.

§ 20.9 Actions. Employees who cannot be retained in their positions because of a reduction in force shall be separated, except as provided below. Such actions may be effective at different times within 90-day periods, each 90-day period being considered as a separate reduction-in-force program, and may be made effective without the prior approval of the Commission.

(a) *Exceptions; furloughs.* Where the reduction in force is the result of a temporary condition which is not expected to continue for more than one year, employees reached for action may, in lieu of being separated, be furloughed for a period not to exceed the unexpired portion of the period of appointment and in no case shall it exceed one year: *Provided*, That notice of furlough to employees in subgroups A-1 and A-2 with competitive status shall conform to the one-year notice rule under § 20.10. In the event that vacancies are to be filled in positions in the competitive level and competitive area from which such employees have been furloughed, such employees shall be given the opportunity to return to duty before any original appointments are made to such positions: *Provided, however*, That since no position in the agency may be filled by original appointment of a person, or by the promotion, reassignment, or transfer of a retention group B or C employee if the agency has employees in subgroup A-1 or A-2 with competitive status on leave or furlough due to reduction in force who are available and qualified to fill the position, such status employees in subgroup A-1 or A-2 shall be considered for such positions. Offer of recall to duty in positions of the competitive level and competitive area from which furloughed shall be made in the order of retention preference of furloughed employees.

(b) *Exceptions; statutory retention.* Whenever an employee in Subgroup A-1 plus is reached for action in a reduction in force, he shall be placed in some other position of like seniority, status, and pay elsewhere in the department, and, wherever possible, at the same geographical location.

(c) *Exceptions; status employees.* No employee in retention group A-2, A-3, or A-4 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the department in any other competitive area or competitive level within the geographic area, which may reasonably be expected to continue for 3 months or more, not filled by a retention group A employee, which he is qualified to fill, unless he refuses a reasonable offer of transfer to a position meeting these requirements, in-

cluding reduction in pay if necessary. Moreover, no such employee in subgroup A-2, notified on or after August 22, 1947, of action as a result of a reduction in force, may be separated or furloughed by reduction in force if there is a position which may reasonably be expected to continue for three months or more in the department (field installation in the field service) in the same local commuting area, for which he is qualified, the same as a position in the line of advancement through which he has been promoted, in which an employee in subgroup A-2 with fewer retention credits or any employee in subgroup A-3 or A-4 is retained, unless he declines a reasonable offer of reassignment to a continuing position. Subject to the other requirements set forth above, agencies shall consider such group A-2 employee with competitive status who is reached in a reduction and who has had five or more years of Federal Government service, including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A-2 shall be made prior to the expiration of the first sixty days of nonduty status.

(d) *Exceptions; veterans preference employees.* No employee in subgroup A-1 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the department in any other competitive area or competitive level within the geographic area which may reasonably be expected to continue for 3 months or more not filled by an employee in subgroup A-1, which he is qualified to fill, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary. Moreover, no such employee in subgroup A-1, notified on or after August 22, 1947, of action as a result of a reduction in force, may be separated or furloughed by reduction in force if there is a position which may reasonably be expected to continue for three months or more in the department (field installation in the field service) in the same local commuting area, for which he is qualified, the same as a position in the line of advancement through which he has been promoted, in which an employee in subgroup A-1 with fewer retention credits is retained, unless he declines a reasonable offer of reassignment to a continuing position. Subject to the other requirements set forth above, agencies shall consider such veteran preference career employee in group A-1 with competitive status who is reached in a reduction and who has had five or more years of Federal Government service, including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the

agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A-1 shall be made prior to the expiration of the first sixty days of nonduty status.

(e) *Exceptions; war service employees with veteran preference.* No employee in subgroup B-1 may be separated or furloughed in a reduction in force from a position in the competitive service if there is another position in the competitive service in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for 3 months or more not filled by an employee in retention group A or subgroup B-1, which he is qualified to fill, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary.

(f) *What is reasonable offer.* In applying the provisions of paragraphs (c), (d), and (e) of this section, consideration must be given to the interests of the service as well as the interests of employees in all determinations as to offers of reassignment to continuing positions. The broad interests of the service require that every possible adjustment be made to retain, wherever possible without reduction in rank or compensation and without disturbance of residence, those employees entitled to reassignment in lieu of separation, even though some interruptions to normal work operations may occur. In general, therefore, no offer of reassignment involving a reduction in grade or compensation, or transfer from the local commuting area, is reasonable if there is a position in the local commuting area, which meets the stated conditions, which would not require a reduction in grade or compensation. Furthermore, when a reduction in grade or compensation cannot be avoided, no offer of reassignment involving a greater reduction in grade or compensation is reasonable if there is a position which meets the stated conditions which would require a lesser reduction in grade or compensation. In unusual cases where the application of these principles would result in a severe interruption to critical work operations and endanger the life or safety of people served or constitute a serious impairment of an essential public service, the decision must include consideration of these factors. Any employee affected adversely by a decision on the basis of these factors shall be given a full explanation of the reasons for the decision, in writing upon request, in order that he may present such reasons to the Commission for review on appeal.

(g) *Actions concerning displaced employees.* Additional actions necessary in connection with employees displaced, as a result of transfers or reassignments under paragraphs (b), (c), (d) and (e) of this section shall be determined on the basis of their retention preference in their respective competitive areas and competitive levels.

§ 20.10 *Notice to employees.* An employee in group A-1 or A-2 with competitive status affected by a reduction in force shall be given an individual notice in writing one year before the action becomes effective. His one-year notice period shall be composed of, whenever possible, at least 30 days in an active duty status; a non-duty status with pay for the duration of his leave, if any; and the balance of the year in a furlough or leave without pay status. Exceptions to this rule are authorized when the employee requests separation in lieu of furlough, or when the agency as a whole is liquidating, in which case the notice period shall terminate as of the day the agency is finally liquidated. Exceptions may also be made after prior approval by the Commission, in the case of agencies which agree to grant reemployment benefits to employees separated with shorter notice periods equal to those they would have received if retained on the rolls for one year.

Each employee affected by reduction in force shall be given an individual notice in writing at least 30 days before the action becomes effective. Where it is not possible to continue the employee in an active-duty status for the period specified in the notice, he shall have the greatest possible notice before he is relieved from active duty and shall thereafter be carried on the rolls for the remainder of the period. If the period of active duty after the notice is given and the period of accrued leave total less than 30 days, the employee shall be carried in a non-pay status for the remainder of the 30-day period. Notices to employees shall inform them of:

(a) The nature and effective date of the action.

(b) The proper office of the organization where he may examine a copy of the regulations in this part and inspect the retention register and records of his grade.

(c) His right to appeal the proposed action to the Commission (departmental employees in the Washington area to the Central Office, and others to the appropriate regional or branch office) within 10 days from the receipt of notice, and

(d) The procedure for exercising any restoration or reemployment rights he may have, and the channels (departmental and field), through which he may apply for other government employment.

(e) The right of career employees with competitive status in retention subgroup A-1 or A-2, who have received notice of separation due to reduction in force, to apply for placement in the Federal service by filing, within 90 calendar days after the last day of active duty, applications on Standard Forms 57 or 60 for two positions with one Civil Service Regional Office, with any Boards of United States Civil Service Examiners in one region, and with the Central Office of the Commission. Each such application must have attached thereto a copy of the advance notice of separation by reduction in force.

§ 20.11 *Reports to the Commission.* As soon as employees are notified of the proposed action, and within the 10-day period allowed for the filing of appeals,

a report shall be submitted to the appropriate office of the Commission of each reduction in force program. Such report shall include:

(a) The competitive area and competitive level in which the reduction in force is to be made.

(b) The retention subgroup and credit point above which employees will be retained in each competitive level, the names of any employees below such point who are retained, and the reasons for their retention.

(c) The period in which the reduction in force is to be completed.

(d) The total number of employees separated or furloughed, and

(e) A certification of compliance with the regulations.

§ 20.12 *Special regulations on liquidation.* Whenever it has been determined that all functions and all positions in an entire department, an entire governmental entity, or an entire competitive area are to be abolished within a specified time period, actions may be taken in regard to individual employees at different dates at administrative discretion: *Provided, however,* That no employee with veteran preference shall be relieved from active duty before any competing employee in a lower retention subgroup is relieved from active duty, where their positions are immediately interchangeable: *Provided further,* That notices to group A-1 and A-2 employees with competitive status shall be made to conform to the notice requirements of § 20.10.

NOTE: A mere limitation of authority to a specified date in the law which establishes, authorizes, or extends an agency is not a sufficient basis for the application of the provisions of this section.

In such cases, the employees of the particular department, entity, or competitive area shall be given individual notices in writing containing a statement of the law, Executive order, or authority which requires the liquidation of the department, governmental entity, or competitive area, and the time period in which the liquidation is to be accomplished, and informing them of their rights to appeal to the Commission if they feel that there has not been compliance with the provisions of the regulations in this part. The notices shall also inform employees of their rights to retention on the rolls for at least thirty days, or if a group A-1 or A-2 employee with competitive status, for the period provided for in § 20.10, of the procedures necessary to exercise any reemployment rights they may have to positions in other departments, governmental entities, or competitive areas, and of the procedures necessary to secure other employment.

A report of all liquidation programs shall be made to the Commission which shall include (a) a copy of the law, Executive order, or other authority for the liquidation of the department, governmental entity, or competitive area; (b) a certificate that no employee with veteran preference is being relieved from active duty before any competing employee in a lower retention subgroup is relieved from active duty where their positions are immediately interchangeable;

able; and (c) a list of all retention group A employees with classified (competitive) civil service status who have not been transferred or assigned to other positions. This report shall be submitted within ten days after the first individual notices of separation are given to the employees affected.

Where it is necessary to liquidate a major activity which is not an entire competitive area, or which is a part of two or more competitive areas, the Commission will consider a request to establish such activity as a competitive area for the purpose of such liquidation.

§ 20.13 *Appeals.* Any employee who feels that there has been a violation of his rights under the regulations in this part may appeal to the appropriate office of the Civil Service Commission within 10 days from the date he received his notice of the action to be taken. This time limit may be extended only upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the prescribed 10 days. In order that employees may be informed of the facts on which action is based they shall have the right to examine a copy of the regulations in this part and to inspect the retention register and records of their grades, including statements of reasons for passing over employees with lower standing on the retention list. Each appeal should set forth whether it is based upon an error in the records, an incorrect efficiency rating, violation of the rules of selection, restriction of the competitive area or competitive level, disregard of a specified right under the law or regulations, or denial of right to examine regulations, retention register, or records of his grade.

The Commission will not consider the correctness of any efficiency rating which is appealable to a board of review established under the provisions of section 9 of the Classification Act of 1923, as amended. The correctness of an efficiency rating which is not appealable to a board of review will ordinarily be considered only when the employee has made use of his agency's administrative appellate procedures. However, the Commission will consider the correctness of an efficiency rating which is not appealable to a board of review in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, where the employee was misinformed of his rights under such procedures, where coercive measures were used to prevent recourse to such procedures, or where the employee presents satisfactory reasons for not using such procedures.

§ 20.14 *Actions disapproved by the Commission.* Whenever the Commission, as the result of a decision on the appeal of an employee, disapproves the action taken under the regulations in this part, the head of the department or governmental entity shall restore the employee to active duty.

With respect to reductions in force outside the Washington, D. C., area, the decision of the Commission's regional director is the decision of the Commission on appeals.

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SERVICE

Sec.	
21.1	Extent of regulations.
21.2	Persons entitled to military preference.
21.3	Receipt of applications; uniform treatment.
21.4	Qualifications of applicants.
21.5	Examination of applicants.
21.6	Maintenance of employment lists.
21.7	Selection and appointment.
21.8	Reappointment.
21.9	Promotion; qualifications.
21.10	Removal, suspension, furlough, or demotion of preference employees.
21.11	General provisions.

AUTHORITY: §§ 21.1 to 21.11, inclusive, issued under sec. 11, 58 Stat. 390; 5 U. S. C., Sup., 860.

§ 21.1 *Extent of regulations*—(a) *Positions covered*. The regulations in this part shall apply to all positions (1) in the executive branch of the Federal Government that are excepted from the competitive service; (2) in any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order which are excepted from the provisions of the Civil Service Act of January 16, 1883; and (3) in the civil service of the District of Columbia. Positions excepted from the competitive service include all positions excepted from the provisions of the Civil Service Act of January 16, 1883, by statute or Executive order, including positions listed in Part 6 of this chapter, positions which may be filled by persons under personal service contract, and positions in Government owned or controlled corporations. The civil service of the District of Columbia includes all positions in the Government of the District of Columbia, and positions under the Board of Education and the Board of Library Trustees of the District of Columbia.

(b) *Applicability*. The provisions of the regulations in this part respecting the examination, rating, and selection for appointment of applicants are required to be followed whenever a qualified person entitled to preference under § 21.2 applies for consideration for appointment. Such provisions may be followed, in the discretion of the agency, in making appointments when no preference applicant applies.

§ 21.2 *Persons entitled to military preference*—(a) *Five-point preference*. In actions taken under the regulations in this part, honorably discharged ex-servicemen and women who have served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), shall be entitled to that military preference hereinafter referred to as five-point preference.

(b) *Ten-point preference*. In actions taken under the regulations in this part, the following persons shall be entitled to that military preference hereinafter referred to as ten-point preference:

(1) Honorably discharged ex-servicemen and women who have served in any branch of the armed forces of the United States and who have established the present existence of service-connected

disability or receipt of compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(2) The wives of honorably discharged service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil service appointment; and

(3) The unmarried widows of honorably discharged deceased ex-servicemen who had served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

(c) *Definition*. As used in this section "honorably discharged" shall mean any separation from active duty in any branch of the armed forces under honorable conditions. A transfer to inactive status, a transfer to retired status, the acceptance of a resignation, or the issuance of a discharge will be considered as covered by the above definition if such separation was under honorable conditions.

§ 21.3 *Receipt of applications; uniform treatment*. Each agency shall establish definite rules regarding the acceptance of applications for employment in positions covered by the regulations in this part. Such rules shall be made of record in the agency and shall be uniformly applied to all persons who meet the conditions of such rules. Information regarding the rules shall be furnished upon request.

§ 21.4 *Qualifications of applicants*—(a) *Standards*. Prior to making appointments to positions under the regulations in this part the agency shall establish standards for eligibility such as those relating to experience and training, citizenship, age, physical condition, etc., which standards shall relate to the duties to be performed. The establishment of standards relating to groups of positions or to a specific position may be delegated to the appropriate administrative level or subdivision of the agency and may be amended or modified from time to time in accordance with the needs of the locality in which the position is located, but the agency shall determine that all standards established are in conformity with the regulations in this part.

Any such standard shall be made a matter of record in the appropriate office of the agency and information concerning the standards for any position shall be furnished upon request. The qualifications standards effective for each position shall be applied uniformly to all applicants for such position except for such waivers as are provided under the regulations in this part for persons entitled to preference.

No minimum educational requirement will be included in qualification standards except those for such scientific, technical, or professional positions the duties of which the agency decides cannot be performed by a person who does not have such education. The agency shall make a part of its records its reasons for such decision. A statement of the reasons shall be furnished upon request.

The qualification standards established for each position shall include:

(1) A provision for the waiver by the agency of any requirements as to age, height, and weight for any applicant entitled to preference under the regulations in this part whenever such requirements are not essential to the performance of the duties of the position; and

(2) A provision for the waiver by the agency of any physical requirements for any applicant entitled to preference under the regulations in this part whenever the agency finds, after giving due consideration to the recommendation of any accredited physician, that such applicant is physically able to discharge the duties of the position.

(b) *Disqualifications*. In the standards established by the agency or the appropriate office of the agency, it may be provided that certain factors will disqualify applicants for employment. These may include among others, the following: (1) Dismissal from the service for delinquency or misconduct; (2) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (3) intentional false statements as to any material fact, or deception or fraud in connection with an application; (4) habitual use of intoxicating beverages to excess; (5) a reasonable doubt as to loyalty to the Government of the United States; (6) any legal disqualification for appointment; (7) lack of United States citizenship.

§ 21.5 *Examination of applicants*—(a) *Rating*. The agency may provide for an evaluation of the qualifications of all applicants for a position, who are available under §§ 21.3 and 21.4 at any time prior to appointment being made to such position. Numerical ratings shall be assigned on a scale of 100 and all applicants rated 70 or more shall be eligible for appointment; *Provided*, That no numerical ratings need be assigned whenever all qualified applicants will be offered immediate appointment: *Provided further*, That whenever there is an excessive number of applicants, only a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable length of time need be given numerical ratings; in such cases the agency shall adopt procedures which will insure consideration of all preference applicants in the order in which they would have been considered if all applicants had been assigned numerical ratings. To the earned numerical ratings of applicants entitled to five-point preference, five points shall be added and to the earned numerical ratings of applicants entitled to ten-point preference, ten points shall be added. A notice of the rating assigned shall be furnished upon request.

No consideration shall be given the application of any non-preference applicant, nor shall such application be rated, for the positions of elevator operator, messenger, guard and custodian as long as qualified applicants entitled to preference are available for such position.

Whenever experience is a factor in determining eligibility, an applicant entitled to five-point or ten-point preference under the regulations in this part

shall be credited with time spent in the military or naval service of the United States when the position for which he is applying is similar to that he held immediately prior to his entrance into the military or naval service; credit shall also be given such applicant for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

§ 21.6 Maintenance of employment lists—(a) Establishment of lists. All applicants assigned eligible numerical ratings in accordance with § 21.5 shall have their names entered on either (1) the appropriate reemployment list or (2) the appropriate regular employment list. The names of all such applicants shall be entered on said lists in accordance with their ratings, except that the names of applicants entitled to five- or ten-point preference under the regulations in this part shall be entered on such lists in accordance with their respective augmented ratings, and the name of a preference applicant shall be entered ahead of all others having the same rating: *Provided*, That except on lists of applicants for professional and scientific positions for which the basic entrance salary is over \$3,000 per annum, the names of applicants entitled to ten-point preference under the regulations in this part shall be placed at the top of the appropriate lists.

(b) Reemployment list. The reemployment list will consist of the names of former employees of the agency who are to be considered for future employment, and shall, in any case, include the following:

(1) The names of former employees of the agency entitled to preference under the regulations in this part who have been furloughed or separated without delinquency or misconduct and who apply for reemployment; and

(2) The names of any former employees of the agency entitled to preference under the regulations in this part who are found by the Commission, in accordance with § 21.10, to have been unjustifiably dismissed from the agency.

(c) Regular employment list. Eligible applicants assigned numerical ratings who are not entered on the agency reemployment list shall be entered on the regular employment list.

(d) Order of consideration. (1) The names of all applicants who are assigned eligible numerical ratings for a given position shall, except as provided below for professional and scientific positions for which the basic entrance salary is over \$3,000 per annum, be considered either in Order A or in Order B, below:

Order A. (i) The names of qualified applicants entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(ii) The names of all other qualified applicants entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(iii) The names of all other qualified applicants on the agency's reemployment lists in the order of their numerical ratings.

(iv) The names of all other qualified applicants in the order of their numerical ratings.

Order B. (i) The names of qualified applicants entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(ii) The names of all other qualified applicants on the agency's reemployment list, in the order of their numerical ratings.

(iii) The names of all other qualified applicants entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(iv) The names of all other qualified applicants, in the order of their numerical ratings.

(2) The names of all applicants assigned numerical eligible ratings for professional and scientific positions for which the basic entrance salary is over \$3,000 per annum shall be considered in the following order:

(i) The names of applicants on the agency's reemployment list, in the order of their numerical ratings.

(ii) The names of all other applicants, in the order of their numerical ratings.

§ 21.7 Selection and appointment—(a) Selection. In making appointments from employment lists the agency shall make selection for appointment to each vacancy from not more than the highest three names available for appointment in the order provided in § 21.6 (d): *Provided*, That the agency need not accord eligibles on the agency reemployment list the preferential consideration provided in that section for such eligibles if such list contains the names of less than three applicants entitled to preference under the regulations in this part: *Provided further*, That the agency need not consider any applicant who has previously been considered three times, nor any preference applicant who has been disqualified under the provisions of paragraph (b) of this section. The second and any additional vacancies shall be filled in like manner.

(b) Passing over a preference applicant. Whenever an agency in making a selection of a non-preference applicant in accordance with paragraph (a) of this section passes over the name of a preference applicant who, under § 21.6 (d), is entitled to prior consideration, it shall record its reasons for so doing. A copy of such reasons shall, upon request, be sent to the preference applicant or his designated representative.

When, in making appointments to a position, an agency has on three occasions passed over the name of a preference applicant and recorded its reasons for so doing, consideration of his name for such position may thereafter be discontinued.

§ 21.8 Reappointment—(a) Persons granted preference. A former civilian employee of the executive branch of the Federal government or the District of

Columbia government who is entitled to preference under the regulations in this part may be reappointed to a position covered by the regulations in this part without regard to the names of qualified applicants on the agency reemployment list or regular employment list.

§ 21.9 Promotion; qualifications. In determining qualifications for promotion with respect to employees entitled to five- or ten-point preference under the regulations in this part, any requirements as to age, height, and weight shall be waived provided any such requirement is not essential to the performance of the duties of the position. After due consideration has been given to the recommendation of any accredited physician, the physical requirements shall be waived in the case of any such employee provided he is found physically able to discharge efficiently the duties of the position for which promotion is proposed.

§ 21.10 Removal, suspension, furlough, or demotion of preference employees. This section shall apply to permanent and indefinite employees entitled to five- or ten-point preference under the regulations in this part but shall not apply to (a) employees during their first year of current continuous Federal or District of Columbia service, or (b) employees appointed for periods specifically limited to one year or less.

Any employee subject to this section who is proposed for involuntary discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation, shall have at least thirty days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action. Such employee shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting. Such appeal shall be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That such employee shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with rules and regulations of the Commission. After investigation and consideration of the evidence submitted, the Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of the same to the appellant or his designated representative, and if the findings and recommendations are favorable to the employee, it shall be mandatory for such administrative officer to take such corrective action as the Commission finally recommends: *Provided further*, That the Commission may declare any such employee who may have been dismissed or furloughed without pay to be eligible for entry of his name on the agency re-

employment list established under § 21.6 (b).

§ 21.11 *General provisions*—(a) *Exceptions*. (1) No provisions of the regulations in this part shall apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the Senate.

(2) The provisions of the regulations in this part relating to examination and appointment shall not apply to (i) positions filled under the Civil Service rules or the War Service regulations in the same manner as competitive positions are filled; or (ii) reemployment in the agency of former employees in accordance with reemployment rights acquired by reason of service in the armed forces or the merchant marine, or by reason of transfer under Executive Order Nos. 8973, 9067, or 9243 (3 CFR Cum. Supp.), or Directive X of the War Manpower Commission (7 F. R. 7298, 11050; 9 F. R. 3534).

(b) *Procedural modifications*. In view of the circumstances and conditions surrounding employment in the following classes of positions the agency concerned will not be required to apply to such positions the appointment procedures of the regulations in this part: *Provided*, That the principles of veteran preference shall be followed as far as administratively feasible and the reasons for his nonselection shall be furnished upon request to any qualified and available preference applicant:

(1) Positions filled by persons appointed without compensation or at a compensation of \$1.00 per annum;

(2) Positions outside the continental limits of the United States and outside the Territories of Hawaii and Puerto Rico when filled by persons resident in the locality, and positions in the Territories of Hawaii and Puerto Rico when compensated in accordance with local prevailing native wage rates;

(3) Positions which the exigencies of the war program demand be filled immediately before lists of qualified applicants can be established or utilized: *Provided*, That appointments to such positions shall be temporary appointments not to exceed one year and may be renewed for one additional year at the discretion of the agency;

(4) Intermittent positions;

(5) Positions paid on a fee basis; and

(6) Such positions as are included in Schedule A (Part 6 of this chapter) and similar types of positions, whenever the Commission agrees with the agency that such position should be included hereunder.

(c) *Special plans*. Any department or agency having positions subject to the regulations in this part may submit to the Commission a system for making appointments which will result in granting to veterans the preference provided for in the Veterans' Preference Act of 1944 but which does not conform to all of the procedural requirements set forth in the regulations in this part: *Provided*, That such a system may not be put into effect until it has received the prior approval of the Commission.

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Sec.	
22.1	Applicability of regulations.
22.2	Notification of proposed actions; charges and opportunity for answer.
22.3	Adverse decisions of administrative officers of agencies.
22.4	Appeals to the Commission.
22.5	Form of appeal.
22.6	Where appeals shall be filed.
22.7	Preliminary consideration of appeals in the Commission.
22.8	Investigations.
22.9	Hearings.
22.10	Decision in the Commission.
22.11	Further appeals to the Commission.

AUTHORITY: §§ 22.1 to 22.11, inclusive, issued under secs. 11 and 14, 58 Stat. 387; 5 U. S. C., Supp. 860, 863.

§ 22.1 *Applicability of regulations*—(a) *Coverage*. The regulations in this part shall govern appeals to the Commission by permanent and indefinite preference eligible employees from adverse decisions of administrative officers of the Federal Government and the government of the District of Columbia, more specifically defined hereinafter.

(1) *Employees covered*. Employees affected are permanent and indefinite preference eligible employees who have completed a probationary or trial period in positions under the Civil Service Rules or War Service Regulations, or one year of current continuous employment in positions excepted from the competitive service, in the service of any establishment, agency, bureau, administration, project or department created by acts of Congress or Presidential order or in the service of the District of Columbia. The regulations in this part are not applicable to employees under the legislative or judicial branch of the Government, and employees who were appointed to any positions required to be confirmed by, or made with, the advice and consent of the United States Senate, other than postmasters in offices of the first, second and third classes.

(2) *Preference eligible employees*. The term "preference eligible employees" referred to in this section includes the following persons:

(i) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(ii) The wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil service appointment;

(iii) The unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions;

(iv) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions.

Separation under "honorable conditions" means separation from active duty in any branch of the armed forces by transfer to inactive status, transfer to retired status, acceptance of a resignation or the issuance of a discharge, if such separation was under honorable conditions.

(3) *Adverse decisions which may be appealed*. Appeals may be made from the decisions of administrative officers in cases of discharges, suspensions for more than thirty (30) days, furloughs without pay and reduction in rank or compensation for reasons other than reduction in force which are covered by reduction in force regulations.

(b) *Appeals involving efficiency ratings*. The regulations in this part are applicable in cases of adverse decisions based on efficiency ratings, but the Commission will not consider the correctness of any efficiency rating which is appealable to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended. The correctness of an efficiency rating which is not appealable to a Board of Review will not be considered unless the employee has made use of his agency's administrative appellate procedures, if provided by the agency, in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, it is impracticable to await the decision under the administrative appellate procedures, the employee was misinformed of his rights under such procedures, coercive measures were used to prevent recourse to such procedures, or the employee presents satisfactory reasons for not resorting to such procedures.

(c) *Appeals not governed by the regulations in this part*. The regulations in this part are not applicable to decisions of the Commission relative to applications, examinations, promotions, transfers, reinstatements, reappointments, classifications and other civil service proceedings, nor to actions of administrative officers which are taken under instructions from the Commission in cases in which the Commission has jurisdiction. Appeals in such cases will continue to be entertained by the Commission in accordance with its established administrative procedures.

(d) *Notice in reduction in rank or compensation resulting from Commission's position allocation decisions*. Preference eligible employees who are to be reduced in grade or rank as a result of the Commission's position allocation decisions shall be given at least thirty (30) days' advance written notice, stating any and all reasons, specifically and in detail, for such proposed action.

§ 22.2 *Notification of proposed actions; charges and opportunity for answer*—(a) *Advance written notice of thirty days*. No employee covered by

the regulations in this part shall be discharged, suspended for more than thirty (30) days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the employee whose discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty (30) days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail for any such proposed action.

(b) *Reasonable time to answer.* A reasonable time shall be allowed employees for answering personally and in writing, charges and notifications of proposed adverse actions, and for furnishing affidavits in support of such answers, and the reasonable time required shall depend on all the facts and circumstances of each case, and be sufficient in all cases to afford the employee ample opportunity to prepare answers and secure affidavits.

(c) *Status of employee during period of advance notice.* The advance written notice which is required when a proposed adverse action is sought by an employing agency shall be submitted to the employee at least thirty (30) days before the effective date of such proposed action, and during such thirty (30) day period the employee shall continue in an active duty status; but in cases of furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God or emergencies requiring immediate curtailment of activities, advance notice shall not be necessary.

In exceptional cases where the circumstances are such that the retention of the employee in an active duty status during the thirty (30) day period may result in damage to Government property, would be otherwise detrimental to the interests of the Government, or would be injurious to the employee, his fellow workers or the general public, and the employee cannot during such period be temporarily assigned to duties in which these conditions would not exist, he shall be placed on annual leave, provided he has sufficient annual leave to his credit to cover the required period, and otherwise, suspended for such period or periods during the thirty (30) days as the circumstances warrant. The reasonableness of such exceptions, including suspensions, will be considered in connection with the entire case in the event that the employee subsequently appeals from the final adverse decision reached by the administrative officer.

(d) *Notice and answer in efficiency rating cases.* In cases where it is proposed to take adverse action against an employee on the basis of an efficiency rating, the employee shall be given the advance notice in writing of the proposed action at least thirty (30) days before the effective date, and said notice shall allow the employee a reasonable time for answer and to object to the proposed ac-

tion and show cause why it should not be taken. This right of advance notification does not affect the right of the employee to appeal for a review of his efficiency rating to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended.

§ 22.3 *Adverse decisions of administrative officers of agencies.* Adverse decisions by administrative officers following notifications of proposed adverse actions, charges and answers of employees, shall be in writing, dated and submitted to the employee promptly after such decisions have been made. The employee should at the same time be advised of his right to appeal the decision to the Civil Service Commission. If delay in submitting an appeal to the Commission occurs because the employee has not been so advised this fact shall be considered good cause shown for failure to file the appeal within the prescribed period of thirty (30) days after receipt of notice of the adverse decision as provided in § 22.4, but shall not otherwise affect the adjudication of the appeal.

§ 22.4 *Appeals to the Commission—*
(a) *Right to appeal.* After receipt by the employee of notice of an adverse decision such employee may, as a matter of right, appeal to the Commission immediately or within a reasonable time thereafter. The Commission will not entertain a request for consideration or review of any action under section 14 of the Veterans' Preference Act of 1944 prior to the receipt by the employee from the administrative officer of the adverse decision making effective the discharge, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation.

(b) *Time limit for filing appeals.* (1) Thirty (30) days from the date of receipt of notice of an adverse decision shall be considered a reasonable time to prepare and submit an appeal under this regulation, but the Commission may, in its discretion, and where good cause is shown for failure to file the appeal within the prescribed period, consider appeals submitted after the expiration of thirty (30) days.

(2) Nothing in this section shall affect the right of an employee to appeal an adverse decision occurring between the time of the effective date of the Veterans' Preference Act of 1944 (June 27, 1944) and the date of the promulgation of the regulations in this part: *Provided*, That such an appeal is made to the Commission within six months after the effective date of the regulations in this part, unless good cause is shown for failure to file the appeal within the prescribed period.

§ 22.5 *Form of appeal—*(a) *Contents.* The appeal of the employee to the Commission shall be in writing and (1) shall set forth in detail all the facts and circumstances of the adverse decision; (2) shall be accompanied by copies of charges, answer, affidavits in support of answer, and notice of the adverse decision, and by such documentary evidence in support of the appeal as the employee may wish to submit; (3) shall

state whether the employee desires to make a personal appearance or an appearance through or accompanied by a representative designated by him before a representative of the Commission; (4) shall be supported by acceptable evidence of entitlement to preference and (5) shall set forth detailed information regarding the employee's status, such as the date and nature of appointment and whether the employee has completed a probationary or trial period or one year of current continuous employment in the civil service of the Federal government or District of Columbia, and any other data bearing on whether the employee is within the purview of the regulations in this part.

§ 22.6 *Where appeals shall be filed.* Appeals from employees in the Departmental Service in Washington, D. C. and the metropolitan area shall be submitted to the Chief Law Officer, United States Civil Service Commission, Washington 25, D. C.; appeals from employees in the Field Service in Washington, D. C. and the metropolitan area shall be submitted to the Manager, Branch Regional Office, Fourth U. S. Civil Service Region, Washington 25, D. C., and appeals from employees outside of these areas shall be submitted to the Director of the appropriate Civil Service Region or Manager of any Branch Regional Office.

§ 22.7 *Preliminary consideration of appeals in the Commission.* When an appeal is received it will be examined for the purpose of determining whether or not it is within the scope of Public Law 359 and the regulations in this part. If the determination is that it is not, the employee will be so advised and informed as to the basis for such determination. Thereafter the employee or his designated representative may make request for reconsideration of this determination and may submit evidence and make representations in support of his request. The record will then be considered and the employee or his designated representative advised as to the decision reached. If it is found to be an appeal within the purview of Public Law 359 and the regulations in this part it will be docketed for investigation and adjudication and the employee or his designated representative and the employing agency will be so advised.

§ 22.8 *Investigations—*(a) *When made.* Investigations will be made as necessary, to develop all the facts and circumstances relative to the adverse decision and to obtain necessary copies of the official record, charges, answer, decision and the reasons therefor, and pertinent testimony of witnesses.

(b) *Manner of taking testimony.* Testimony of witnesses will be by affidavit, without any pledge of confidence, but where it is impracticable to obtain testimony under oath from a witness such statement will be obtained, without any pledge of confidence, from the witness as the circumstances will permit, and such weight will be given to the unsworn testimony as the record will warrant: *Provided, however*, That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of

the appellant's loyalty to the Government of the United States, testimony and evidence will be obtained under a pledge of confidence and the source of the information secured will not be divulged.

(c) *Information obtained discussed with agency and with employee.* The evidence submitted by the employee in connection with his appeal will be discussed by the investigator of the Commission with the administrative officer who made the decision and other proper officials of the employing agency concerned, and such officials shall be requested to state their side of the case. Similarly, the employee should be informed of the information furnished by the officials of the agency and given the opportunity to insert his side of the case into the record of investigation: *Provided, however,* That in cases where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, only such information should be furnished either party as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

§ 22.9 *Hearings*—(a) *Right to appear personally or by representative.* The appellant shall have the right to appear personally or through or accompanied by a designated representative in connection with his appeal and if an appellant has expressed the desire for such a personal appearance arrangements will be made for a hearing at a stage of the proceedings agreed upon between the appellant and the regional office or the office of the Chief Law Officer, as the case may be.

(b) *Notice of hearings and where scheduled.* The hearing will be scheduled at Washington, D. C., or at any regional office or branch regional office and notifications thereof transmitted to the appellant or his designated representative and to the employing agency, advising the latter that it may participate, and informing both parties of a right to produce evidence and witnesses: *Provided, however,* That regional directors may, within the limits of their resources, because of distance involved hold local hearings outside regional or branch office cities whenever, in their discretion, this appears necessary in the light of all circumstances in a specific case; such as, distance from the regional or branch office, number of agency witnesses or other participants who would need to travel at government expense, or whether additional information or records may need to be developed or obtained locally during the course of the hearing.

(c) *How conducted.* Hearings will be conducted by a representative of the Commission in an informal manner with an opportunity afforded for the introduction of evidence, including testimony and statements by the appellant and his designated representative and witnesses and representatives of the employing agency and witnesses, and for the cross-examination of witnesses: *Provided, however,* That where the adverse action of the administrative officers with respect to the appellant was based on

grounds raising a question of the appellant's loyalty to the Government of the United States, the appellant will be accorded such hearing as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

(d) *Admission of evidence.* Rules of evidence will not be strictly applied during hearings, but the Commission representative in charge of the hearing shall use reasonable discretion to exclude irrelevant testimony.

(e) *Testimony taken under oath; record of hearing; not open to public.* The testimony at hearings shall be under oath. The Chief Law Officer or the Regional Director may direct that the hearing be recorded stenographically by a reporter employed by the Commission. The reporter's transcript shall be a part of the record of the proceeding. Reporters not employed by the Commission shall not be permitted to make transcripts of the proceedings. In cases where the hearing is not recorded stenographically, the hearing examiner will make suitable notes of the relevant portions of the testimony. At the conclusion of the hearing, these notes shall be summarized and when agreed to in writing by all parties concerned, the summary shall constitute the report of the hearing. If the examiner and the parties cannot agree on the summary, the parties shall be permitted to submit, in writing, exceptions to any part of the summary that they question, and such exceptions shall be considered in connection with the making of the finding and recommendation. Hearings shall not be open to the general public or the press. Attendance shall be limited to persons having a direct connection with the appeal.

(f) *Appearance of witnesses.* The Commission does not have the power of subpoena and appellants and their designated representatives, and employing agencies, will be required to make their own arrangements for the appearance of witnesses.

(g) *Transcripts of hearing.* Copies of transcripts of hearing will not be furnished.

§ 22.10 *Decision in the Commission*—(a) *By whom made; contents.* The decision on the appeal shall be made by the Chief Law Officer or the regional office, as appropriate, in a formal finding, consisting of an analysis of the evidence, the reasons for the conclusions reached and a recommendation for action to be taken by the employing agency concerned: *Provided, however,* That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the case will, after investigation and hearing, be referred to the Loyalty Rating Board of the Commission in Washington, D. C., for consideration and recommendation to the Commissioners for their decision. The contents of the formal finding on such loyalty aspects in cases under section 14 will not contain information which will be inconsistent with the pledge of confidence attached to testimony and evidence in such cases.

(b) *Copy of decision furnished appellant and agency; appeal to Commissioners.* Copies of the analysis, conclusions and recommendation shall be furnished to the employing agency and to the appellant or his designated representative, and both parties shall be notified of the right of a further appeal to the Commissioners of the U. S. Civil Service Commission, Washington 25, D. C.

(c) *Report by agencies to Commission of action taken or proposed to be taken on finding favorable to employee.* When the finding and recommendation is that the employee be restored to his position, or is otherwise favorable to the employee, the employing agency will, at the time the finding and recommendation is transmitted to it, be requested to report to the Chief Law Officer, the regional office or the Loyalty Rating Board, as the case may be, within seven (7) days of the receipt of such finding and recommendation, regarding the action taken or proposed to be taken by the employing agency.

§ 22.11 *Further appeals to the Commission*—(a) *Time limit for filing.* An appeal may be made by the employee from a decision of the Chief Law Officer or Regional Office (and of the Commissioners in loyalty cases) to the Commissioners, the United States Civil Service Commission, within thirty (30) days of the date of receipt of notification of the decision. An appeal may be made to the Commissioners by the employing agency within seven (7) days of the date of receipt of such notification.

(b) *Referred to Board of Appeals and Review.* Appeals under this section shall be referred to the Board of Appeals and Review of the Commission in Washington, D. C., for appropriate action.

(c) *Hearing before Board of Appeals and Review.* The Board of Appeals and Review shall review the record and in its discretion grant hearings with an opportunity for the production of evidence and cross-examination of witnesses.

(d) *Decision on further appeals.* Decisions on appeals to the Commissioners will be transmitted to the appellant or his designated representative and the employing agency concerned with notifications to both parties that no further appeals will be entertained as to the particular case unless new and material evidence is submitted.

(e) *Further appeals.* The Commissioners may in their discretion, when in their judgment such action appears warranted by the circumstances, entertain a further appeal at the request of the appellant or his designated representative or of the employing agency, and may grant a hearing before them. In connection with such reopened appeal both parties to the proceeding shall be accorded opportunity to make written representations and to participate in any hearing which may be held.

(f) *Finality of recommendation of Commission.* It shall be mandatory for administrative officers of employing agencies to take such corrective action as the Commission finally recommends on appeals. If the employing agency does not submit a further appeal to the

Commissioners within seven (7) days of the date of receipt of a finding and recommendation of the Chief Law Officer or Regional Office (and of the Commissioners in loyalty cases) that are favorable to the employee, the recommendation shall become immediately operative and must be put into effect.

PART 23—POLITICAL ACTIVITY OF STATE EMPLOYEES; RULES OF PRACTICE

Sec.	
23.1	The Commission.
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23.22	Appeal.

AUTHORITY: §§ 23.1 to 23.22, inclusive, issued under sec. 12 (d), 54 Stat. 767; 18 U. S. C. 611.

CROSS REFERENCE: For regulations governing political activity of Federal government employees, see Part 4 of this chapter.

§ 23.1 *The Commission*—(a) *Offices*. The principal office of the Commission is at Washington, D. C.

All communications to the Commission must be addressed to United States Civil Service Commission, Washington 25, D. C., Attention, Chief Law Officer, unless otherwise specifically directed.

(b) *Hours*. The office is open on each business day from 8:45 a. m. to 5:15 p. m.

(c) *Proceedings*. The Commission may, by one or more of its members or by such examiners as it may designate, conduct any inquiry or hearing necessary to its duties in any part of the United States.

§ 23.2 *Executive officer*. The Executive Director and Chief Examiner is the executive officer of the Commission, and has legal custody of its papers, records, and property; and all orders of the Commission shall be signed by the Executive Director and Chief Examiner, or such other person as may be authorized by the Commission.

§ 23.3 *Service*. Letters of charges, orders, and other processes of the Commission shall be served by the Chief Law Officer of the Commission by registered mail, by registering and mailing a copy thereof addressed to the officer or employee charged with the violation and to the State or local agency employing such person.

When service is not accomplished by registered mail, letters of charges, orders, or other processes of the Commission may be served by anyone duly authorized by the Commission, or by an examiner of the Commission.

(a) By delivering a copy of the document to the person to be served, and/or to an officer of the State or local agency; or

(b) By leaving a copy thereof at the principal office or place of business of such person and/or State or local agency.

The return post-office receipt for said letter of charges, order, or other process registered and mailed as aforesaid, or the verified return by the person serving such letter of charges, order, or other process setting forth the manner of said service, shall be proof of the service of the document.

§ 23.4 *Appearance*. Any individual who is a party to any proceedings before the Commission may appear for himself or by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission. Any State or local agency may appear or be represented by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission.

Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Commission.

A written application for admission to practice before the Commission is required. A written notice of appearance on behalf of a specific party or parties in the particular proceeding shall be submitted by attorneys desiring to appear for such specific party or parties. Upon receipt of such notice, application forms for admission to practice before the Commission will be furnished. Any attorney, practicing before the Commission or desiring so to practice, who, in the judgment of the Commission does not possess the requisite qualifications to represent others, or who is lacking in character, integrity, or proper professional conduct, may be disbarred or suspended from practicing before the Commission; and the Commission or its examiners shall have the right to suspend immediately any attorney for contumacy, contempt, or misconduct during the course of any proceeding.

No former officer, examiner, attorney, clerk, or other former employee of this Commission shall appear as attorney or counsel for or represent any party in any proceeding resulting from any investigation, the files of which came to the personal attention of such former officer, examiner, attorney, clerk, or other former employee during the term of his service or employment with the Commission.

§ 23.5 *Documents*. Documents required to be filed with the Commission in any proceeding shall be filed with the Chief Law Officer of the Commission.

(a) *Title*. Documents shall clearly show the docket number and title of the proceeding.

(b) *Copies*. Five copies of documents other than correspondence shall be filed except as otherwise specifically required by these rules.

(c) *Form*. It is requested that documents not printed be typewritten on one side of paper only, letter or legal size,

double or triple spaced, with ample margin.

The originals of all documents, whether printed or typewritten, shall be signed in ink by the duly authorized attorney, or if an interested party is appearing without counsel, by the interested party.

§ 23.6 *Letter of charges*. When the Commission has reason to believe that there is a violation of the law over which the Commission has jurisdiction, the Commission shall, by registered mail, send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation, which instrument shall be known as a letter of charges.

§ 23.7 *Answers*. In the case of a desire to contest the proceedings, the respondent or respondents shall, within fifteen (15) days from the day the letter of charges is served, file with the Commission an answer to the letter of charges; or within thirty (30) days if the officer or employee and/or the local agency is in a Territory or possession of the United States of America.

Such answers shall contain a concise statement of the facts which constitute the ground of defense. The respondent shall specifically admit or deny or explain each of the facts alleged in the letter of charges, unless respondent is without knowledge, in which case respondent shall so state. Five (5) copies of answers shall be furnished the Commission at the time of filing the original answer. All answers and copies thereof shall be signed by the respondent or by his attorney at law and shall show the office and post-office address of the signer.

Failure of the respondent to file an answer and the copies thereof within the time above provided shall be deemed to authorize the Commission, without further notice to respondent, to proceed in the regular course on the charges set forth in the letter of charges. If respondent desires to waive hearing on the allegations of fact set forth in the letter of charges and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the letter of charges to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said letter of charges and to have authorized the Commission, without further evidence or other intervening procedure, to find such facts to be true, and, if in the judgment of the Commission, such facts admitted constitute a violation of the law as charged in the letter of charges, to make and serve findings of facts, and to thereupon make an order, if the violation so warrants, for the removal of the officer or employee, and to notify such officer or employee and the appropriate State or local agency of such determination.

Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief or in oral argument, or both, solely

on the question as to whether the facts so admitted constitute the violation or violations of the law charged in the letter of charges.

§ 23.8 Notice of hearing. After the filing of answer or other appropriate response, the Commission shall fix a time and place for a hearing and shall, by registered mail, send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice of the time and place of hearing.

§ 23.9 Motions. Motions before the Commission or the hearing examiner shall state briefly the purpose thereof, and all supporting affidavits, records, and other papers, except such as have been previously filed, shall be filed with the motions and clearly referred to therein.

Motions in any proceeding before a hearing examiner which relate to the introduction or striking of evidence shall be made to the hearing examiner and shall be ruled on by the hearing examiner. No exception is necessary to the ruling of the hearing examiner to preserve the objection before the Commission or appellate courts.

§ 23.10 Continuances and extensions of time. Except as otherwise expressly provided by law, the Commission or its examiners, for cause shown, may extend any time limits prescribed for filing any papers, except time for filing appeal, which is fixed by statute, and may continue or adjourn any hearing. A hearing before a hearing examiner shall begin at the time and place ordered by the Commission, but thereafter may be adjourned from time to time by the hearing examiner or the Commission.

Applications for continuances and extensions of time shall be made prior to the expiration of the time prescribed by these rules, and must be accompanied by an affidavit showing exceptional circumstances.

§ 23.11 Hearings of complaints. All hearings before the Commission or hearing examiners on letters of charges issued by the Commission shall be public unless otherwise ordered by the Commission.

Hearings shall be stenographically reported by the official reporter of the Commission and a transcript thereof shall be made which shall be a part of the record of the proceeding. The record made shall be the sole official record. Transcripts will be supplied to a respondent or respondents (or to the public) by the official reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

§ 23.12 Hearing examiners. When evidence is to be taken in a proceeding upon a letter of charges issued by the Commission, a hearing examiner may be designated for that purpose by the Commission.

It shall be the duty of the hearing examiner to complete the taking of evidence with all due dispatch.

The hearing examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in

form and manner consistent with the dignity of the Commission. He will note on the record any disregard by counsel for his rulings on matters of order and procedure, and where he deems it necessary shall make special written report thereof to the Commission. In the event that counsel for the Commission or counsel for any respondent shall be guilty of disrespectful, disorderly, or contumacious language or conduct in connection with any proceeding, the hearing examiner may suspend the proceeding and submit to the Commission his report thereon together with his recommendation as to whether any rule should be issued to show cause why any such counsel should not be suspended or disbarred pursuant to § 23.4 or other appropriate action as provided under section 12, subsection (d) of the Hatch Political Activity Act. A copy of such hearing examiner's report shall be furnished to any counsel upon whose language or conduct such report is made, and the Commission will take disciplinary action after an opportunity for hearing has been accorded such counsel.

§ 23.13 Subpenas. Subpenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing may be issued by the Commission or any member thereof. Application therefor must be made in writing either to the Chief Law Officer or to the presiding hearing examiner.

Subpenas for the production of documentary evidence will be issued only upon application in writing to the Commission or the presiding hearing examiner. The application must specify as exactly as possible the documents desired, and show their competency, relevancy, and materiality. An application by a respondent shall be verified by oath or affirmation.

In case of disobedience to a subpoena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof (sec. 12 (d) of the act of August 2, 1939, as amended).

§ 23.14 Witnesses. Witnesses shall be examined orally, except that for good and exceptional cause for departing from the general rule the Commission may permit their testimony to be taken by a deposition.

Witnesses summoned by the Commission shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witnesses whose depositions are taken for the Commission, and the persons taking such depositions, shall severally be entitled to the

same fees as are paid for like service in the courts of the United States.

§ 23.15 Evidence—(a) Documentary. Where relevant and material matters offered in evidence are embraced in a document containing other matters not material or relevant and not intended to be put in evidence, such immaterial or irrelevant parts shall be excluded and shall be segregated insofar as practicable.

(b) Objections. Objections to the evidence before a commissioner or a hearing examiner shall be in short form, stating the grounds of objection relied upon, and the transcript shall not include argument or debate thereon, except as ordered by the Commission or hearing examiner. Rulings on such objections shall be a part of the transcript. No exception to the ruling is necessary to preserve the rights of the parties in an appeal to the Commission or in the appellate court.

§ 23.16 Depositions. The Commission may order evidence to be taken by deposition in any proceeding or investigation pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having the power to administer oaths or affirmations.

Unless notice be waived, no deposition shall be taken except after reasonable notice to the parties.

Any party desiring to take the deposition of a witness shall make application in writing, setting out the reasons why such deposition should be taken and stating the time when, the place where, and the name and post-office address of the person before whom it is desired the deposition be taken; the name and post-office address of the witness, and the subject matter or matters concerning which the witness is expected to testify.

If good cause be shown, the Commission will make and serve upon the parties or their attorneys an order wherein the Commission shall name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place and the person before whom the deposition is to be taken so specified in the Commission's order may or may not be the same as those named in said application to the Commission.

The testimony of the witness shall be reduced to writing by the officer before whom the deposition is taken or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the officer. After the deposition has been so certified, it shall, together with four additional copies thereof made by such officer or under his direction, be forwarded by such officer under seal, in an envelope addressed to the Commission at its office, Washington 25, D. C. Such deposition, unless otherwise ordered by the Commission for good cause shown, shall be filed in the record in said proceeding and a copy thereof supplied to the party upon whose application said deposition was taken or his attorney.

Depositions shall be typewritten on one side of paper only; letter or legal size; left margin 1½ inches; right margin 1 inch.

§ 23.17 *Admissions of fact and genuineness of documents.* At any time after answer has been filed the hearing attorney for the Commission may serve upon any respondent, or counsel for a respondent may serve upon the Commission's hearing attorney, a written request for admission of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in such documents. Copies of documents shall be delivered with the request unless copies have already been furnished. Each of the matters on which an admission is so requested shall be deemed admitted, unless within a period designated within the request, not less than ten (10) days after service thereof, or within such further time as the Commission or the hearing examiner may allow on motion and notice, the party so served serves upon the party making the request a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny those matters.

Service required hereunder may be made upon a respondent either by registering and mailing or by delivering a copy of the documents to be served to the respondent or his attorney or by leaving a copy at the principal office or place of business of either. Service upon the Commission's hearing attorney may be either by registering and mailing or delivering a copy of the documents to be served to such attorney.

§ 23.18 *Hearing examiner's preliminary report.* Except as stated in the next paragraph, the hearing examiner shall, as promptly as practicable after the receipt by him of the complete stenographic transcript of all testimony in a proceeding, make his preliminary report upon the evidence. He shall also transmit copies of this report to attorneys who appeared in the proceeding, and individually to any respondent unrepresented by counsel.

A hearing examiner's report is not a report of finding of the Commission. The preliminary report, like the final report hereinafter mentioned, is advisory only and is not binding upon the Commission.

§ 23.19 *Briefs.* At the conclusion of a hearing, the examiner shall prescribe the time and other directions for filing of briefs on behalf of parties to the hearing, if any party desires to submit a brief. The time within which initial briefs are to be filed, shall be calculated from the date of service upon the parties of copies of the examiner's preliminary report: *Provided*, That for good cause stated at the conclusion of the hearing, the examiner may eliminate the filing and service of a preliminary report: *Provided further*, That any interested party may apply in writing to the Commission for modification of any of the examiner's rulings concerning reports and briefs. Five copies of briefs shall be filed.

§ 23.20 *Hearing examiner's final report.* After expiration of the time for filing briefs, the hearing examiner, as promptly as practicable, shall re-examine the record, including the briefs, and shall make a final report to the Commission. If, in any instance, the recommendations of the final report shall so vary from the tentative recommendations of the preliminary report, that the Commission deems that notice and further opportunity to be heard should be given to the parties, it will so order and provide.

§ 23.21 *The decision.* Upon receipt of the hearing examiner's final report, the Commission shall review the report and shall make its own findings and determine whether any violation has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall, by registered mail, notify such officer or employee and the appropriate State or local agency of such determination. The Commission may, if the circumstances warrant, refer the case back to the hearing examiner for the purpose of obtaining additional evidence.

§ 23.22 *Appeal.* Appeal procedure is prescribed in section 12 (c) of the act of August 2, 1939, as amended by the act of July 19, 1940. This subsection is as follows:

(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within thirty days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order; or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission

with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C. 1934 edition, title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Sec.	
24.1	Medical officer; all grades.
24.2	Dentist; all grades.
24.3	Veterinarian; all grades.
24.4	Consultant in education; all grades.
24.5	Student nurse, St. Elizabeths hospital.
24.6	Graduate nurse, general staff duty or psychiatric duty.
24.7	Graduate nurse (trainee).
24.8	Agonomist (field operations), P-1, Soil Conservation Service.
24.9	Soil scientist (field operations), P-1, Soil Conservation Service.
24.10	Dietitians.
24.11	Physical training, Veterans' Administration.
24.12	Teacher; all grades.
24.13	Navy Department, instructor, school activities, schools at Quantico, Va., Lejeune, N. C., and Patuxent River, Md.
24.14	Office of Indian Affairs, teacher, community school; elementary; junior and senior high school; home economics, junior and senior high school; agriculture, junior and senior high school.
24.15	Range conservationist, P-1, Department of Agriculture.
24.16	Social worker (psychiatric and medical) Veterans' Administration, SP-6 and SP-7.
24.17	Agonomist (research), P-1, Department of Agriculture, Bureau of Plant Industry.
24.18	Office of Education.
24.19	Forester, P-1, Department of Agriculture.
24.20	Psychiatric social worker, P-1, War Department, Fort Storey, Virginia.
24.21	Range conservationist (ecology), P-1, Department of Agriculture.
24.22	Biologist (land management), P-1, Soil Conservation Service.
24.23	Clinical psychologist, P-2 through P-5, in Veterans' Administration hospitals and outpatient clinics and in U. S. Public Health Service Clinics.
24.24	Land classification specialist, grades P-1 and P-2, Bureau of Reclamation, Department of the Interior.
24.25	Educational consultant, grades P-7 and P-8, Army Air Forces.
24.26	Educational retraining.
24.27	Pharmacist, P-1 through P-4.
24.28	Chemist.
24.29	Physicist, P-1 through P-8.
24.30	Engineer, trainee, SP-3, SP-4, SP-5.
24.31	Geologist.
24.32	Bacteriologist, P-1, P-2, P-3 (option, agricultural).
24.33	Engineering positions involving highly technical research, design or development, or similar functions.

- Sec.
 24.34 Instructor, academic subjects, apprentice schools, Navy Department.
 24.35 Geophysicist, P-2 through P-6.
 24.36 Junior professional assistant.
 24.39 Mathematician, P-2 through P-8, where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties.
 24.40 Instructor, meteorology, P-2 through P-5.
 24.41 Human biologist, P-7.
 24.42 U. S. Coast Guard Academy.
 24.43 Archeologist, P-1 to P-4.
 24.44 Psychologist (Personal Counselor), P-4, Veterans' Administration.
 24.45 Metallurgists positions (P-2 through P-8) involving highly complicated or fundamental scientific research or similar difficult scientific duties.
 24.46 Engineer trainee, Bureau of Reclamation, SP-4 and SP-5.
 24.47 Geologist positions involving highly complicated or fundamental scientific research or similar difficult scientific duties.
 24.48 Medical bacteriologist, P-1 through P-8.
 24.49 Medical serologist, P-1 through P-8.

AUTHORITY: §§ 24.1 to 24.49, inclusive, issued under sec. 5, 58 Stat. 388; 5 U. S. C., Sup., 854.

§ 24.1 Medical officer; all grades—

(a) *Duties.* With responsibilities proportionate to the grade, appointees perform professional duties as doctors of medicine in hospitals, in dispensaries or in the field. As examples of the work performed: Conduct physical examinations, give anesthetics, perform minor surgical operations, assist in major operations, change dressings, supervise care of patients, and diagnose and treat diseases; including the administration of parenteral medication, administer first aid, give first aid instructions, supervise a ward or other hospital or dispensary clinic, serve as Officer of the Day in hospitals, determine whether government employees have tuberculosis or other disease in a communicable form.

(b) *Knowledge and training requisite for performance of duties.* A thorough understanding of the human body, its anatomy, its physiology, and its reactions to drugs; a thorough understanding of the symptoms of disease, the causes of disease and the treatment; a thorough understanding of the principles and procedures in the practice of all branches of medicine are necessary.

(c) *Method of obtaining basic knowledge and training.* It is a well-recognized fact that persons desiring to become physicians or doctors of medicine must obtain their education in a medical school of approved standing. There are no other sources in which knowledge necessary to provide for the health and welfare of the individual can be obtained.

§ 24.2 *Dentist; all grades—*(a) *Duties.* Appointees perform dental operations either under supervision or independently according to assignment. As examples of the work performed: In a large hospital or in a dental clinic make an examination of the oral cavity and independently or in consultation with dental specialists in the higher grades in the more unusual cases, make diagnoses of gums or pathological conditions and give treatment or perform dental operations

as required; take, develop, and interpret X-ray films, make dental examinations, aid in medical diagnoses, and instruct, advise and assign dental interns, dental assistants, mechanics or others; make dental reports, requisition equipment, medicine and supplies, and act especially on the dental disabilities for compensation purposes or make dental ratings and authorize treatment.

(b) *Knowledge and training requisite for performance of duties.* Applicants must have an understanding of the anatomy and physiology of the mouth and the relation of mouth conditions to the rest of the body; the types of diseases affecting the mouth, gums and teeth; and the cure of such diseases. They must understand thoroughly safe and approved methods for treating teeth and gums and for removing damaged or diseased teeth. They must know all the proper methods for filling of teeth, making of crowns, inlays, and all other related repairs on teeth. They must be able to repair mouth fractures and dental damages resulting from accident or wounds incurred in war.

(c) *Method of obtaining basic knowledge and training.* The knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by attending and completing a full four-year course in a dental school of recognized standing.

§ 24.3 *Veterinarian; all grades—*(a) *Duties.* The duties of this position include ante-mortem and post-mortem inspection of food animals and inspection of food products; administration of tests for disease, control and eradication of disease, sanitary inspection of establishments and plants. Appointees inspect dairies, make milk sanitation surveys, and advise state and local health departments on proper methods of milk sanitation for the United States Public Health Service. As examples of the work performed: Makes primary ante-mortem and post-mortem inspection of meat producing animals; detect diseases and/or other abnormal conditions; assist in enforcing sanitary requirements in meat-preparing establishments by making preliminary examinations or diagnoses and supervise the handling and preparation of meat and its products. Make preliminary inspection of cattle, sheep, swine, and other livestock in stockyards, and in the field for contagious, infectious and communicable diseases. Assist in the testing of cattle and other animals for tuberculosis, and the mallein testing of horses for glanders. Draw samples of blood from horses and other animals and prepare such material for shipment to a laboratory for serological and other examinations. Supervise the dipping of cattle and sheep in officially permitted solutions and the immunization of swine and other animals to prevent and control communicable diseases; make tests of dipping solutions to maintain them in a proper strength. Assist in the inspection of animals used in licensed biological establishments and in supervising the production of anti-hog cholera virus and serum for carrying out preliminary inspection, making preliminary diagnoses, and conducting the

technique upon the results of which the decision of a superior is based. Organize and conduct animal disease control and eradication in small areas, such as one or more counties of a State, involving cooperative tuberculosis testing, tick or scabies eradication, or hog cholera control. Make scientific investigation of internal parasites of domesticated or wild animals; prescribe medical treatment of affected animals and determine the value of treatment and prophylactic methods.

(b) *Knowledge and training requisite for performance of duties.* The field of veterinary medicine and surgery is as complicated as that of human medicine and surgery and requires as intensive an education including intensive clinical experience. Veterinarians must have a full and complete knowledge of the anatomy, physiology, biochemistry, and functioning of the animal body. They must know all the various types of approved medicines and the effects on the animal body. They must be capable of recognizing animal disease and of correcting such disease.

(c) *Method of obtaining basic knowledge and training.* The knowledge required for the performance of the duties described in paragraph (a) of this section can be obtained only by attending and completing a full four-year course in an approved school of veterinary medicine. There are no other sources from which an individual may obtain this basic knowledge and training.

§ 24.4 *Consultant in education, all grades—*(a) *Duties.* The duties of educational consultants or specialists consist of advising school administrators, supervisors, boards of education, or other official school or community groups concerning technical phases of educational programs; providing assistance in planning curriculum content and methods of teaching; and advising local officials in the application of approved educational methods to their individual school and to their community problems.

(b) *Knowledge and training requisite for performance of duties.* Thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written material and instructional methods related to the specialized fields; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school or the community as a whole.

In addition, experience in research, teaching, or administration of educational programs is required for most positions; the length, scope, nature, and quality of the experience varies with the grade of the position involved.

(c) *Method of obtaining basic knowledge and training.* The method by which the basic knowledge and training can be acquired is by successfully completing, in a college or university of recognized standing, a full, four-year course leading to a bachelor's degree, and, in addition, specialized study and training in the principles and methods of education. By such training the student learns under competent instructors, is guided in his reading and in his evalua-

tion of materials read. He has access to well-stocked scientific libraries and to well-equipped laboratories; he is given an opportunity to observe various materials and methods of instruction in operation, and, in a controlled and supervised setting, can experiment for himself under professional guidance. The literature in the field of education and related fields is so voluminous that an individual cannot master it on his own initiative or by random study. Without this basic college training an individual cannot recognize significant social data or draw valid conclusions.

The duties of an educational consultant require more than usual knowledge in the educational and subject-matter fields, as well as leadership ability.

§ 24.5 Student nurse, St. Elizabeths Hospital.—(a) *Duties.* The student attends classes which include theoretical study in the following subjects: Anatomy, physiology, microbiology, chemistry, psychology, sociology, social problems in nursing, introduction to medical sciences, pharmacology and therapeutics, nutrition, foods, cookery, diet therapy, medical and surgical nursing, obstetrical nursing, nursing of children, psychiatric nursing. Classes are attended at which demonstration in the nursing care of patients for various types of diseases and conditions are given by nurse instructors. The students practice and return the demonstration to the instructors before being permitted to carry out any procedures on patients. Students then carry out the less complicated procedure on a specially assigned patient under close supervision of war instructors. As students gain more skill in carrying out nursing procedures and techniques they are then given more advanced nursing procedures in which they assume more responsibility in the nursing care of patients.

(b) *Knowledge and training requisite for performance of duties.* The student nurse is considered as a student in the same manner as a student who is learning to be a teacher, dentist, physician, or preparing for any other profession. The course requires three years and consists of a probationary term of six months, a freshman term of six months, a junior term of twelve months, and a senior term of twelve months. Completion of four years of high school, or its equivalent, with the subjects stated in paragraph (c) of this section is the minimum education necessary for a student entering a basic course in nursing.

The requirements of applicants for enrollment in the school of nursing at St. Elizabeths Hospital are necessary to meet the standards set by the District of Columbia Board of Nurse Examiners. Boards of Nurse Examiners are established by law and govern the standards for admission to accredited schools of nursing. If a school of nursing does not meet the standards, it loses accreditation. Nurses graduating from such schools are not eligible for registration as Graduate Professional Nurses, and would not be eligible to practice as such in the District of Columbia or in the States. In order to maintain its accredited standing, the exact requirements

specified by the Board of Nurse Examiners for schools of nursing in the District of Columbia are necessary for entrance as Student Nurse.

(c) *Method of obtaining basic knowledge and training.* To meet the standards set by the District of Columbia Board of Nurse Examiners, the Commission has determined that applicants must have been graduated from an accredited high school giving a four-year course. They must have completed at least 16 units of study, including: 4 units of English; 2 units of high-school mathematics; 2 units of science; preferably including general science, and a second science such as some form of chemistry or physics (home economics units do not constitute acceptable science units); and 2 units of social studies (1 unit must be United States history, except that one-half unit of civics may be substituted for one-half unit of United States history). (1 unit of study means one 36- to 40-week school year of study, five 40- to 60-minute class periods a week.)

§ 24.6 Graduate nurse, general staff duty or psychiatric duty.—(a) *Duties.* Under supervision of the head nurse to perform, general nursing duty or psychiatric nursing duty in the wards of hospitals which include the following: Administering or assisting in administering treatments and medications as prescribed by the medical staff; bathing critically ill patients, taking temperature, pulse, and respiration of patients, feeding patients, if necessary; supervising and instructing non-professional staff who give any type of nursing care to patients; charting and recording care and treatments given patients; performing duties requiring special training and experience; performing related duties as assigned which are of a professional nursing nature.

(b) *Knowledge and training requisite for performance of duties.* To qualify for Graduate Nurse the Commission has determined an applicant must have the following minimum requirements:

(1) Graduation from a recognized school of nursing requiring a residence of at least two years in a hospital having a daily average of 50 bed patients or more; or where the course includes not less than six months' resident affiliation with a general hospital having a daily average of not less than 75 bed patients, or where the graduate has successfully completed a resident postgraduate course of not less than six months' duration in general nursing in a hospital having a daily average of not less than 50 bed patients.

(2) Registration as Graduate Nurse in a State or Territory of the United States, or the District of Columbia.

(c) *Method of obtaining basic knowledge and training.* Graduate Nurses are to be employed in hospitals operated by the Army, Navy, Veterans' Administration, U. S. Public Health Service and the Indian Service, and to a very large extent, the patients will be ex-service-men and women in need of the best of medical care. The medical directors of the various Federal agencies have confirmed the requirements stated in paragraph (b) of this section as being the

minimum training for the effective performance of the duties of the nursing positions.

§ 24.7 Graduate Nurse (Trainee).—(a) *Duties.* Graduate nurses appointed to these positions will receive a period of special supervised training ordinarily of 6 months' duration in hospitals operated by Federal agencies, following which, if they prove satisfactory, they may be promoted to the position of Graduate Nurse (General Staff Duty or Psychiatric Duty).

(b) *Knowledge and training requisite for performance of duties.* To qualify for Graduate Nurse (Trainee), the Commission has determined an applicant must have the following minimum qualifications:

(1) Graduation from a full course in a recognized school of nursing requiring a residence of at least two years.

(2) Registration as Graduate Nurse in a State or Territory of the United States, or the District of Columbia.

(c) *Method of obtaining basic knowledge and training.* The Graduate Nurse (Trainee) position is established in order to utilize services of Graduate Nurses who have not had training in a hospital having a daily average of 50 bed patients. The medical directors of the various Federal agencies have confirmed the requirements contained in paragraph (b) of this section as being the minimum training necessary for the effective performance of the duties of Graduate Nurse (Trainee).

§ 24.8 Agronomist (field operations), P-1, Soil Conservation Service.—(a) *Duties.* The duties of an agronomist are, under supervision, to maintain and make preliminary interpretation of technical records of grass and legumes under scientific tests, including their climatic resistance, disease susceptibility, augmentation, germination and purity, and their response to environmental conditions of soil conservation culture; to plan crop rotations in accordance with proper land capabilities; to develop tentative pasture management plans in accordance with proper land capabilities, rotation with other crops, with the type and amount of livestock, with available irrigation facilities, and with any accessory pasture; to make chemical analyses tests of soils to determine their calcium and magnesium requirements for the production of any specific crop and to assist in developing a liming and/or fertilization program for the various crops and pastures produced; to take proper soil samples or to teach others the proper techniques of soil sampling for chemical determinations for nitrogen, phosphorus, potash and minor elements; to develop a strip cropping pattern for crop production in accordance with land capabilities, crops produced, and surface relief; to assist in developing a contour system of crop production designed in accordance with all other practices in soil and water conservation; to assist in developing a soil management system for commercial fruit production that will be in harmony with technical water disposal systems needed for the site, with biological, organic and inorganic components of the soil; to design and supervise the installation of proper vegetative engineering

work in support of structural engineering installation; to aid in the development of land use capability tables and charts for his immediate area; and to supervise the technical phases of harvesting grass and legume seed, cleaning, seeding, and cultivating.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisites for the successful performance of the duties of agronomist, include a thorough knowledge of the supporting sciences upon which agronomy is based, as well as intensive training in agronomy itself and an intimate working knowledge of the theory and application of the scientific agronomic principles employed in technical soil conservation practices.

(c) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of an agronomist is through the successful completion in a college or university of recognized standing of the subjects specified below:

- 2 courses in chemistry.
- 3 courses in any one or in any combination of plant physiology, plant pathology, entomology, or bacteriology.
- 3 courses in any one or in any combination of principles of feeding livestock, animal husbandry, range management, principles of dairying, or poultry culture.
- 8 courses in farm crops, soils, or plant breeding of which at least 4 courses shall be in farm crops.

The student receives in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as an agronomist, and works in well equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through a careful correlation of such material through directed classroom study and reading.

CROSS REFERENCE: For justification relative to Agronomist (Research) Department of Agriculture, Bureau of Plant Industry, see § 24.17.

§ 24.9 *Soil scientist (field operations), P-1, Soil Conservation Service—(a) Duties.* The duties of a soil scientist are, under supervision, to perform work in field mapping; to make physical land surveys involving identification of: inherent soil characteristics in the soil profiles such as the proportions and composition of the textural separates, nature and stability of the structural aggregates, properties with respect to soil consistency, conditions of oxidation and reduction, and amount and nature of organic matter, all as a basis for classifying the effective depth of plant root feeding zone, the amount of water and the nutrients available for plant growth; types of parent rock and soil material; geomorphic relationships including the differentiation of concave and convex land surfaces and slopes in relation to differences in soil and in susceptibility to erosion that have significance in use

and management of land; losses of soil by accelerated erosion, distinguishing between those of wind and water; water table conditions both temporary and permanent; amount and toxicity of soluble salts; character and significance of stoniness, surface soil crusting, etc.; also to take soil samples; to write soil profile and land area descriptions; to assist in interpretation of physical land factors for the development of land capability classification; and to assist in preparing land use and management recommendations and applying such recommendations to the land.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which soil science is based, as well as intensive training in soil science itself, and an intimate working knowledge of the theory and application of the scientific principles employed in technical soil conservation practices.

(c) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of soil scientist is through the successful completion in a college or university of recognized standing of the subjects specified below:

- 2 courses in advanced chemistry.
- 2 courses in plant science or bacteriology.
- 4 courses in either soil science or earth science, or in any combination of earth science and soil science.

The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a soil scientist, and works in well equipped chemistry, bacteriology, and soil science laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

§ 24.10 *Dietitians—(a) Student—(1) Duties.* The duties of a student dietitian consist of individual and class participation in an advanced and technical training course under the guidance and direction of an instructor in dietetics and the immediate supervision of graduate dietitians. In this course the student receives classroom instruction and on-the-job training in the field of dietetics. This involves the preparation and analysis of menus; studying and analyzing food specifications, studying methods of food preparation, serving, and storage; supervision of regular and special diet service and all phases of food preparation including special diets; contacting patients regarding diets; conducting diabetic and other special diet classes; and performing other duties incident to the administration of a hospital dietary department.

(2) *Knowledge and training requisite for performance of duties.* Since the training course for student dietitians is only 12 months in length it is necessary that persons entering this advanced course have already acquired a knowledge of the physical and social sciences upon which the field of dietetics is based. To comprehend the information and practical training presented in the course, students must have, and be able to apply, a knowledge of the physiology and digestive processes of the human body; the nutritional requirements of individuals of varying ages and occupations; the special diet requirements of persons suffering from a variety of diseases; bacteriological principles as applied to food spoilage and sanitation; and a background of the organization and administration of a hospital dietary department.

The Commission has determined that the duties of the position of Student Dietitian are such that they cannot be performed by a person who does not have 36 semester hours of study in a college or university of recognized standing provided that this study has included: 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6 semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cooking, and organization and management).

(3) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a student dietitian is through the completion of the courses outlined in subparagraph (2) of this paragraph. The student receives, in such courses, competent instruction in the technical and theoretical subjects that she will have to apply as a dietitian, and works in well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. Requisite studies other than the biological and physical sciences represent information from such a variety of fields that the student cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

(b) *Staff (SP-5 and P-1)—(1) Duties.* With varying degrees of responsibility at the different grade levels, a dietitian performs or supervises the performance of other dietitians in the following duties: Planning and supervising the preparation and serving of therapeutic diets, charting components and measurements daily for conformance with type of diet prescribed by the doctors; conferring with physicians, and patients regarding prescribed diets, and instructing patients in the composition and preparation of discharge diets as required; planning and supervising the preparation and serving of the basic diet for patients and hospital

personnel; compiling periodic analyses for conformance with standards of the agency; making annual budget estimates of food and allotments; determining the kind and amount of food to be procured; serving as a member of the board of awards on contracts for perishable food items; requisitioning dietary supplies and equipment; overseeing the care and sanitation of equipment, and work and storage areas; specifying the work assignments of dietary employees; interviewing and selecting applicants for non-technical employment in the dietary department; formulating in-service training courses for food handlers; and performing related duties as assigned.

(2) *Knowledge and training requisite for performance of duties.* The duties of a dietitian require that she be able to apply in her daily work a knowledge of the physiology and digestive processes of the human body; the nutritional requirements of individuals of varying ages and occupations; the special diet requirements of persons suffering from a variety of diseases; bacteriological principles as applied to food spoilage and sanitation; and the organization and administration of a hospital dietary department.

The Commission has determined that the duties of dietitians at all levels are such that they cannot be performed by a person who does not have 36 semester hours of study in a college or university of recognized standing: *Provided*, That this study has included: 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6 semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cookery, and organization and management). The possession of a bachelor's degree in dietetics or institutional management from a college or university of recognized standing will be accepted as meeting the educational requirement for these positions.

(3) *Method of obtaining basic knowledge and training.* The Commission has determined that the only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a dietitian is through the completion of the courses outlined in subparagraph (2) of this paragraph. The individual receives, in such courses, competent instruction in the technical and theoretical subjects that she will have to apply as a dietitian, and works in well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories. The scientific information thus obtained cannot be acquired by individual study or through practical experience because the necessary facilities for laboratory experimentation are not available. Requisite studies other than the biological and physical sciences represent information from such a variety of fields that the individual cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

(c) *Head (SP-6 and P-2).*

(d) *Assistant (SP-7 and P-3).*

(e) *Chief (SP-8 and P-4).*

NOTE: The provisions of paragraph (b) of this section are applicable to paragraphs (c), (d), and (e) of this section.

§ 24.11 *Physical training, Veterans' Administration—(a) Physical Director, P-2, formerly SP-6 (Revised)—(1) Duties.* The duties of a physical director are to direct the physical activities and the carrying out of therapy, both general and that prescribed for certain patients (neuropsychiatric); to promote athletic activities by forming teams and instructing the players; to direct indoor and outdoor classes in gymnasium ward work according to program; to conduct calisthenics in ward classes; to maintain equipment used in the work. This position exists only in Veterans' Administration Facilities.

(2) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the performance of these duties described in subparagraph (1) of this paragraph include knowledge of formal and informal exercise activities and their therapeutic application to specific and general treatment of the various types and needs of hospital patients—remedial and corrective exercises for general hospital patients, re-socializing exercises for psychotic patients, formal graduated exercises for regressed psychotic patients. The duties of the position require ability to observe intelligently the physical and mental reactions of patients and to make discerning reports to the medical staff so that an effective treatment program can be formulated and carried out.

(3) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of physical director is through the successful completion of at least:

(i) 16 semester hours in physical education in a school of physical education, a college, university, or teacher training institution of recognized standing, including:

4 semester hours in anatomy, physiology, hygiene, or kinesiology;

4 semester hours in psychology, tests and measurements, or education;

4 semester hours in physical fitness, therapeutic or corrective exercise, or physiology of exercise;

4 semester hours in methods of physical education, organization and administration of physical education, recreational leadership, or techniques and fundamentals of sports.

In addition, at least 2 years of responsible experience in any one or any combination of the following types of experience:

Planning, supervising, or conducting athletic activities or therapeutic exercise for hospital patients;

Administering, supervising, or teaching physical education in schools or colleges;

Supervising physical activities or athletic programs in camps, clubs, community playgrounds, or settlement houses;

Service in or for the armed forces in physical fitness or athletic programs.

(ii) Completion of the requirements for graduation from a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education, including at least 16 semester hours of work in the subjects listed in subdivision (i) of this subparagraph. In addition, at least 1 year of responsible experience in any one or any combination of the types of experience listed in subdivision (i) of this subparagraph.

(iii) Any time-equivalent combination of subdivisions (i) and (ii) of this subparagraph above: *Provided*, That at least 16 semester hours of work in the subjects listed in subdivision (i) of this subparagraph have been successfully completed. In any such combination, 1 year of study in a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education may be substituted for each 4 months of experience. For 1 year of the required experience, applicants may substitute 1 year of graduate study in a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education. This study must be in addition to that used for meeting the basic educational requirement.

(b) *Assistant Physical Director, P-1—*

(1) *Duties.* The assistant physical director acts as full assistant to the physical director, P-2, acting in his absence and assists in initiating and executing a full program of calisthenics, athletics, and games for all patients for whom these activities are prescribed; planning and organizing physical exercise activities suited to the various types of neuropsychiatric patients; instructing, supervising, and directing hospital attendants assigned to assist in this work; interviewing patients, consulting with physicians, and reporting observation of patients' behavior reactions as helpful material for diagnosis and prescription for treatment; cooperating with the chiefs of all adjunct therapies in the promotion of group therapy; supervising the planning, building and upkeep of playing courts, athletic fields, bowling alleys, gymnasiums, swimming pools and other space allotted for physical exercise activities; arranging exhibitions and competitive sports events with outside organizations; preparing and submitting records, reports, etc., relative to the operation of this work.

(2) *Educational requirement.* Since this position is substantially identical although less responsible in nature than the duties of physical director, P-2, Veterans' Administration, the Commission has determined that the educational requirement established for physical director, P-2, covered in paragraph (a) (2) of this section, be the same for assistant physical director, P-1.

§ 24.12 *Teacher; all grades—(a)*

High School and special subjects—(1) Duties. The duties of high school and special subject teachers consist of imparting basic knowledge of one or more subject matter fields of social, economic,

vocational or cultural value to the student; training the student in effective, impartial thinking in the medium of a special subject; making use of the best methods of accomplishing these results; directing appropriate extra-curricular interests.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of various subject-matter fields; understanding of mental and physical characteristics of various age groups; knowledge of and skill in applying effective methods and techniques of instruction; and ability to evaluate the adequacy of methods employed.

In addition, experience in teaching is required for higher grade positions; the length, nature and extent of responsibility varies with the grade of the position.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing, including, or supplemented by relevant courses in educational psychology, theory and methods courses in the field of subject-matter specialization, and practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and to well equipped laboratories; and receives actual practice in teaching. The literature in most vocational and cultural subjects and in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(b) *Elementary teachers—(1) Duties.* The duties of elementary teachers consist of organizing and conducting classroom teaching; teaching elementary school subjects in such a way as to lay a broad foundation for later learning; training in habits of thinking; and evaluating results.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of (i) mental and physical characteristics of various age groups, (ii) (accepted methods of classroom management, (iii) various subject-matter fields, and (iv) effective methods and techniques of instruction to meet a wide variety of needs of individual pupils as well as of groups; ability to apply such methods and techniques and to evaluate results.

(3) *Method of obtaining basic knowledge and training.* The method by which this fundamental knowledge of methods of classroom instruction can be obtained is in regularly organized teacher training departments of colleges or universities of recognized standing. In such institutions prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses and a system of supervised practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and well equipped laboratories; and learns a variety of methods and techniques which have been demonstrated as effective. The literature in the field of education

is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(c) *Teacher (academic subjects), Veterans' Administration facilities—(1) Duties.* The duties of this position are to teach an academic subject or a combination of such subjects to enlisted men in reconditioning centers.

(2) *Knowledge and training requisite for performance of duties.* To qualify for this work, applicants must have had at least 1 year of responsible experience in teaching academic subjects. Experience in teaching one or more subjects such as English, language, journalism, science, mathematics, history, above the elementary school level, may be offered to meet this requirement.

In addition, applicants must have successfully completed a full 4-year course of study leading to a bachelor's degree in a college, university, or teacher-training institution of recognized standing, with major study in education, including at least one course in practice teaching, provided that an additional year of the experience described above may be substituted for the required course in practice teaching. For this position applicants showing 12 semester hours in education will be accepted as having major study in education.

(Twelve semester hours in education are the requirements in some States for secondary teaching certificates, and twelve semester hours are all that are required by the New England and Southern accrediting associations.)

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing.

(d) *Training specialist, War Department—(1) Duties.* The duties of the position of training specialist are the duties of a teacher position, and consist of teaching non-English speaking persons, illiterates, and slow learners in the Army who do not meet the standards of literacy established by the Army; preparing daily lessons, classroom exercises, and maintaining necessary class records; helping maladjusted trainee by means of frequent conferences and by special tutoring and securing the aid of the personnel consultant in cases of pronounced maladjustment; and assisting the trainee in Army indoctrination.

(2) *Knowledge and training requisite for performance of duties—(i) Education.* Applicants must have completed at least a 3-year course in a college, university or teacher-training institution of recognized standing with major study in education including at least one course in methods of teaching reading, provided that an additional year of the experience described below may be substituted for the required course in methods of teaching reading.

(ii) *Experience.* At least 2 years' experience in any one or in any combination of the following:

- (a) Teaching non-English speaking persons;
- (b) Teaching illiterates;
- (c) Teaching remedial reading classes;
- (d) Teaching backward children;
- (e) Teaching grades 1, 2, or 3 in elementary schools.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing.

(e) *Instructor (academic subjects), CAF-6, War Department Reconditioning Centers.*

(f) *Secondary school teacher, P-1, War Relocation Authority.*

(g) *Elementary school teacher, SP-4, War Relocation Authority.*

NOTE: The provisions of paragraph (b) of this section are applicable to paragraphs (e), (f), and (g) of this section.

§ 24.13 *Navy Department, instructor, school activities, school at Quantico, Va., Lejeune, N. C., and Patuxent River, Md.—(a) Principal, P-3—(1) Duties.* Serves as head of school; in this capacity, organizes and administers educational programs; advises on teacher selection; assigns teachers; supervises classroom procedures and instructional techniques; encourages faculty participation in programs of curriculum improvement; promotes extra-curricular activities; requisitions and assigns school supplies; prepares the school budget; maintains records; and performs such other duties as may be assigned.

(2) *Knowledge and training requisite for performance of duties.* The duties of an instructor, school activities, require that he be thoroughly familiar with the effective methods and techniques of instruction. He must be able to develop standards of instruction, to evaluate the effectiveness of the various methods used; and to offer constructive criticism concerning teaching methods and materials used by the classroom teachers under his supervision. In addition, he must know the basic principles of educational planning, organization, and management.

The enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of Naval personnel from one assignment to another. In order that the pupils may be able to transfer their credits, the schools must meet the requirements of the Board of Education of the State in which they are located. Among these requirements is the provision that the principals must be properly certified. The following educational qualifications for certification of secondary school principals and superintendents in the States of Maryland, North Carolina, and Virginia are required:

MARYLAND

Superintendent and high school principal:
(1) Bachelor's degree.

(2) Professional requirements—1 year of graduate work.

(a) For superintendent—in education, including school administration, supervision, and methods of teaching.

(b) For high school principal—advanced study related to high school branches and

approximately two-thirds in education, including high school methods, supervision and administration.

NORTH CAROLINA

Superintendent and principal:

(i) Hold or be qualified to hold class A teacher's certificate.

(ii) Master's degree.

(iii) Professional requirements:

(a) Superintendent—18 semester hours in education, including—

The curriculum.....	2
Supervision.....	2
General administration.....	2
School finance.....	2

(b) Principal—12 semester hours in education, including—

The curriculum.....	2
Supervision.....	2
High school administration.....	2
Elementary school administration.....	2

VIRGINIA

High school principal (two options):

(i) Collegiate professional certificate and two years of successful teaching experience. (A collegiate professional certificate is granted to those who have a bachelor's degree from an accredited institution and have completed 18 semester hours in education.)

(ii) Collegiate certificate and three years of successful teaching experience. (A collegiate certificate is a four-year non-renewable certificate issued to those who have a bachelor's degree but have not completed 18 semester hours in education.)

Superintendent:

(i) Master's degree.

(ii) Professional requirements—15 semester hours in education, including graduate courses in educational administration and finance.

(3) *Method of obtaining knowledge and training required.* It is believed that the requisite knowledge and training can be acquired only in regularly organized teacher training departments of colleges and universities. In such institutions prevailing theories and practices of instruction have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses which are presented by competent instructors. During his training the student is guided in his study and reading by persons who know the literature in the field and who are therefore able to help him select from the mass of available professional literature that which is significant. He is given an opportunity to observe various materials and methods of instruction, and he undergoes assignments in practice situations and receives constructive criticism concerning his methods of dealing with them.

(b) *High School Teacher, P-1 and P-2—(1) Duties.* Under supervision, organizes and conducts curriculum activities in a particular subject-matter field or related fields in a high school; prepares instructional materials; instructs by means of discussions, demonstrations, and group activities; devises and administers tests or measurements of pupils' development; counsels and guides students to facilitate their adjustment; suggests revisions or modifications of the curriculum and techniques to adapt the education program to available facilities and to the personal characteristics of the students; and, as assigned, engages in

other activities designed to lead the students into well-adjusted citizenship.

(2) *Knowledge and training requisite for performance of duties.* The Commission has approved education as a requirement for the position of teacher according to § 24.12 (a) (2).

(3) *Method of obtaining basic knowledge and training.* Inasmuch as the enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of naval personnel from one assignment to another, children must be prepared to take up their work in any school in any State to which they may be transferred. The schools must therefore meet requirements for approval from the State Board of Education in which they are located. There is reciprocity between the States in the acceptance of students from an approved or certified school. The educational qualifications for this position are the current requirements of the State in which the position is located.

(c) *Elementary Teacher, P-1—(1) Duties.* Under supervision, plans, organizes, and directs the activities of elementary classes in government operated schools; provides instructional material for purposeful activities; instructs by means of group activities, demonstrations and discussions; plans or suggests modifications in curriculum as necessitated by changing needs; and, as assigned, engages in other activities designed to lead the students into well-adjusted citizenship.

(2) *Knowledge and training requisite for performance of duties.* The Commission has approved education as a requirement for the position of teacher according to § 24.12 (a) (2).

(3) *Method of obtaining basic knowledge and training.* Inasmuch as the enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of naval personnel from one assignment to another, children must be prepared to take up their work in any school in any State to which they may be transferred. The schools must therefore meet requirements for approval from the State Board of Education in which they are located. There is reciprocity between the States in the acceptance of students from an approved or certified school. The educational qualifications for this position are the current requirements of the State in which the position is located.

§ 24.14 *Office of Indian Affairs, Teacher, community school; elementary, junior and senior high school; home economics, junior and senior high school; agriculture, junior and senior high school—(a) Duties.* Under general supervision to serve as teacher in an Indian school. Indian schools do not follow prescribed courses of study. Teachers are expected to draw upon the environment and upon their own general practical experience for much of the material for their educational program. Emphasis is placed upon free and spontaneous use of English, upon group discussions, and other informal processes. Teachers in Indian schools associate constantly with Indians, and it is necessary that they have a

full appreciation of the Indian viewpoint and Indian culture, including native arts and crafts, music, and religious ceremonies. Indian service teachers are expected to be not only teachers in the usual sense, but to be active participants in the community in which they work and exercise educational leadership. They must be conversant with problems of rural economy and eager to elevate and dignify rural life.

The primary objectives of Indian schools are: To give students an understanding and appreciation of their own tribal lore, art, music, and community organization; to teach students through their own participation in school and government to become constructive citizens of their communities; to aid students in analyzing the economic resources of their reservation and in planning more effective ways of utilizing these resources for the improvement of standards of living to teach, through actual demonstration, intelligent conservation of natural resources; to give students first-hand experience in livestock management, use of native materials in housing and clothing, in subsistence gardening, cooperative marketing, farm mechanics, and whatever other vocational skills are needed to earn a livelihood in the region; to develop better health habits, improved sanitation, and higher standards of diet with a view to prevention of trachoma, tuberculosis, and infant diseases; to give students an understanding of the social and economic world immediately about them and to aid them in achieving some mastery over their environment; and to serve as a community center in meeting the social and economic needs of the community.

(b) *Knowledge and training requisite for performance of duties.* For teacher, community school (elementary), SP-4, applicants must have successfully completed two full years of study in a college, university, or teacher training institution of recognized standing.

For teacher, community school (junior and senior high school), SP-5, applicants must have successfully completed a full four-year course leading to a bachelor's degree in a college, university, or teacher training institution of recognized standing.

For teacher, community school (home economics, junior and senior high school), SP-5, applicants must have successfully completed a full four-year course leading to a bachelor's degree with major study in home economics in a college, university, or teacher training institution of recognized standing.

For teacher, community school (agriculture, junior and senior high school), SP-6, applicants must have successfully completed two full years of study in an agricultural college of recognized standing and in addition must have had two years of practical farming experience.

(c) *Substitution.* Additional study successfully completed in an agricultural college of recognized standing may be substituted year for year for the required practical farming experience.

§ 24.15 *Range conservationist, P-1 Department of Agriculture—(a) Duties.* Under supervision, but with individual

responsibility for applying the fundamental scientific principles in the solution of range conservation problems, performs specific duties such as the following:

(1) Classifies and maps forage types, involving the identification of important forage and other native plants; secures basic information on the location and nature of the forage resources; evaluates the condition of the range in relation to the ecological stages of plant succession and determines whether it is progressing or retrogressing; determines proper rates of stocking and suitable grazing periods and systems of management based on utilization standards and the growth requirements of forage plants; and ascertains the need for range re-seeding, rodent control, water development, eradication of noxious plants, and other range improvements required for the improvement and conservation of the range.

(2) Compiles and analyzes such data, and in correlation with information on the economic factors affecting management, prepares tentative recommendations and assists in the development of conservation or range management plans, requiring familiarity with grazing management practices and structural improvements, the conditions under which they are suitable, and the cost of their installation.

(3) Prepares information on feeding of domestic livestock on the basis of the nutritional requirements of animals and the local availability of feedstuffs; makes utilization surveys and instructs ranch operators in their use; evaluates the effectiveness of conservation practices and assists farmers and ranchers in establishing and maintaining such practices; keeps records and prepares preliminary reports and other informational material relative to the conservation and management of range lands.

(b) *Knowledge and training requisite for performance of duties.* Range conservation is the application of a number of separate, but related sciences in the physical, biologic, and economic fields. It embraces a body of scientific principles regarding plants and animals, both as individuals and as they are affected by other plants, animals, climate and other factors influencing their existence, growth and production on the range. Range management is closely related to plant ecology and animal husbandry, and these in turn are based on certain fundamental plant and animal sciences. Therefore, knowledge and training requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which range conservation is based, as well as intensive training in range conservation itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a range conservationist is through the completion in a college or university of recognized standing, the courses specified below:

1 course in each of the following: Plant ecology, plant physiology, soils, elementary

surveying, and systematic botany or plant taxonomy.

4 courses in range management (any combination of general range management; range utilization and maintenance; range history and laws; range surveys; range or ranch economics; range plants).

3 courses in animal husbandry (any combination of animal nutrition and feeding; breeds and breeding; livestock management; market classes of livestock; livestock production).

3 courses in any one or in any combination of agronomy, general botany, silviculture, forest management, wildlife management, or zoology.

All of the above courses must have been acceptable for credit toward the completion of a standard 4-year curriculum leading to a bachelor's degree in agriculture, animal husbandry, botany, forestry, science, or range management.

The possession of a bachelor's degree from a college or university of recognized standing with a minimum of 20 semester hours in range management or plant ecology or in a combination of these two subjects, or with a minimum of 10 semester hours in a combination of these subjects and 10 semester hours in a combination of animal husbandry, pasture management, botany, agronomy, or forestry will be accepted as meeting the educational requirements for this position.

The student receives, in such courses, competent instructions in the technical and theoretical subjects that he will have to apply as a range conservationist. Teaching staffs keep up-to-date on the most recent developments in their respective fields, and are in position to give instruction in basic scientific principles of range conservation which have been repeatedly tested and confirmed. The student has access to pertinent reference materials and works in well-equipped laboratories. The Commission is of the opinion that the scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and it is believed the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.16 *Social worker (psychiatric and medical), Veterans' Administration, SP-6 and SP-7.* (These positions have been reallocated to P-2, P-3, and P-4; effective July 1, 1945).—(a) *Duties.* The duties of a social worker (psychiatric and medical) with the Veterans' Administration are to assist veterans who are suffering from physical or emotional illness. In collaboration with the physician, the social worker promotes the veteran's best response to treatment by recognizing and alleviating emotional and social problems that threaten the recovery of the veteran and thus prolong the necessity for treatment. When the veteran's personal adjustment is threatened by the nature of his emotional or physical handicap or by social circumstances and relationships, the social worker helps the veteran to develop resources within himself and the capacity for utilizing existing resources to overcome handicaps and to attain maximum self-reliance and in-

dependence. The social worker participates in diagnostic, trial visit, and discharge staff meetings, and in conferences with individual physicians. At such meetings the social worker presents the social data necessary to the medical profession in making vital decisions regarding the lives of disabled veterans.

Social workers (psychiatric and medical) assist veterans in planning their future activities following the period of hospitalization in order that the transition from hospital life to community life may be facilitated. A determination is made as to the social factors, personal circumstances, or community attitudes that are likely to prevent the carrying out of the health measures recommended by the doctors, and assistance is given to the veteran in order to prevent rehospitalization. In carrying out this responsibility it is necessary for the social worker to interpret to social and health agencies and other organizations within the community, the health problems of individual veterans and to cooperate with such agencies in utilizing their resources in advancing the rehabilitation of veterans.

(b) *Knowledge and training requisite for performance of duties.* In order to give adequate service to physically and emotionally handicapped veterans, the social worker must have a knowledge of basic medical information including symptoms of disease and accepted forms of treatment; medical terminology; and the principles of psychosomatic medicine. There must be a knowledge of the field of psychopathology, including the structure of the various psychotic or neurotic personalities, motivations of human behavior, and the clinical study and treatment of neurotic and psychotic individuals.

The social worker must have a knowledge of and skill in judgment in applying the principles and methods of social case work. The social worker must have training in interpreting technical medical or psychiatric information in such a way as to make it intelligible to patients, their families, and other lay persons. Moreover, a knowledge of the differentiation between the functions of psychologists, psychiatrists, physicians, nurses, and other medical personnel concerned with the case of the patient is necessary.

In order to prepare communities for receiving the disabled veteran and helping him to make a normal adjustment, it is necessary for the social worker to have a knowledge of the aims and methods of urban and rural community organization; and the ability to develop within local communities a sense of their social responsibility to the returning veteran who is mentally or physically handicapped. This entails understanding of such centers of community activity as social, fraternal, and industrial organizations, school centers, and community health facilities.

(c) *Method of obtaining knowledge and training required.* The Commission is of the opinion that the only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a social worker with the Veterans Administration, is

through the completion of one year of training in an accredited school of social work including supervised field work and courses in psychiatric or medical information. The student receives, in such training, competent instruction in the technical and theoretical subjects that will have to be applied as a social worker. A definite part of the training period is devoted to supervised practice in a controlled setting. During this field work period, the student acquires ability in applying the skills and techniques necessary for dealing with people who may not be so adjusted as to conduct themselves in a socially acceptable manner. This necessitates the development of a concept of acceptance of individuals, a recognition of their rights, and of their potentialities for change. The student works in a social welfare or health agency of acceptable standards with a limited number of selected cases; is trained in techniques of psychiatric interviewing and social case recording; participates in case conferences with psychiatrists, psychologists, and highly skilled social workers; and throughout the period works directly under a case work supervisor especially selected by the school. The scientific knowledge and skill obtained cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies represent information from such a variety of fields that an individual cannot cover the material except through the careful correlation of directed classroom study and reading with the supervised field work.

§ 24.17 Agronomist (Research), P-1 Department of Agriculture, Bureau of Plant Industry—(a) Duties. The duties of a research agronomist are, under supervision, to conduct experiments on one or more of the following problems concerned in crop production or improvement:

(1) The effect of cultural practices and rotation sequences on soil moisture, nitrate accumulation, availability of soil nutrients, and the effect of these and allied factors on the growth, yield, composition, and nutritive value of crops under varying soil and climatic conditions as determined by physical, chemical, and biological tests;

(2) The effect of rate, date, method of seeding, fertilization, and other factors on the growth, time of maturity, yield, and nutritive value of crops or crop varieties as determined by physical and chemical tests;

(3) The effect of applying irrigation water to crops in varying amounts and under differing physiological conditions of the plants and degrees of approach to the wilting coefficient of the soil on yields and nutritive values;

(4) The effect of method, time of beginning, frequency of cultivation, shading, and other effects of competitive crops, and the rate, frequency and kinds of chemical herbicides applied on the physiological reactions of the weeds, and on the storage of carbohydrate and protein reserves in the roots of perennial weeds, the relation of these reserves to the rejuvenation, growth, and reproduction of perennial noxious weeds, and the

development of weed control practices based on all these relationships;

(5) The development by self fertilization and selection of inbred lines of corn or alfalfa and hybrids between these lines, or of new varieties of other crop plants by hybridization and selection, which possess specific genetic characteristics valuable in improving these crop plants such as (i) resistance to the diseases of the crops involved (smuts of corn, sorghum, small grains and grasses, etc., rusts of small grains and grasses, and the root rot and leaf diseases of all crops); (ii) resistance to insects attacking the particular crop, (aphids, stalk borers, hessian fly, root borers, chinch bugs, etc.); (iii) resistance to stalk breaking and lodging; and (iv) plant, physiological, and yield characteristics which contribute to adaptation of the new hybrid or variety for a given region or locality;

(6) The genetic analysis of plant materials in order to determine the proper crosses for obtaining desired combinations of desired characteristics in improved hybrids or varieties;

(7) Field tests of hybrids, varieties, fertilizers, and other field practices, using appropriate experimental designs so that data can be analyzed statistically, and by analysis of variance and other appropriate statistical methods obtain data on relative yields and other factors necessary to determine values for farm use;

(8) The production and maintenance of foundation seed stocks of improved inbred lines, parent single crosses, and improved varieties for distribution to farmers, and growing such seed stocks under conditions necessary for each crop which insures absence of contamination by physical mixture or foreign pollen in order to insure genetic purity and integrity of type.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisites for the successful performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which agronomy is based, as well as intensive training in agronomy itself and an intimate working knowledge of the theory and application of the scientific agronomic principles employed in technical crop production or improvement.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of agronomist are such that they cannot be performed by a person who does not have the following: 6 courses in crops, including crop breeding or genetics; 2 courses in soils; 2 courses in advanced chemistry; 1 course in physics; 1 course in plant physiology; 1 course in plant pathology; and 1 course in entomology.

The possession of a bachelor's degree in agronomy, or in agronomy and soils combined, will be accepted as evidence that the applicant has met the above requirements.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of an agronomist is through the completion of the courses

listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as an agronomist. He attends seminars and lectures, has access to a scientific library, and works in well-equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subjects.

CROSS REFERENCE: For Agronomist (Field Operations), Soil Conservation Service, see § 24.8.

§ 24.18 Office of Education—(a) Education specialist, P-4 through P-8—(1) Educational requirements. Completion of a full four year course in a college or university of recognized standing which must have included, or have been supplemented by, major study in education or in the particular field in which the duties as a specialist are to be performed.

(2) *Duties.* The duties of educational consultants or specialists consist of advising school administrators, supervisors, boards of education, or other official school or community groups concerning technical phases of educational programs; providing assistance in planning curriculum content and methods of teaching; and advising local officials in the application of approved educational methods to their individual school and to their community problems.

(3) *Knowledge and training requisite for performance of duties.* Thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written material and instructional methods related to the specialized fields; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school or the community as a whole.

In addition, except for positions in the P-1 grade, experience in research, teaching, or administration of educational programs is required for most positions; the length, scope, nature, and quality of the experience varies with the grade of the position involved.

(4) *Method of obtaining basic knowledge and training.* The only method known to the Commission by which the basic knowledge and training can be acquired is by successfully completing, in a college or university of recognized standing, a full, four-year course leading to a bachelor's degree, and, in addition, specialized study and training in the principles and methods of education. By such training the student learns under competent instructors, is guided in his reading and in his evaluation of materials read. He had access to well-stocked scientific libraries and to well-equipped laboratories; he is given an opportunity to observe various materials and methods of instruction in operation, and in a controlled and supervised setting, can experiment for himself under

professional guidance. The literature in the field of education and related fields is so voluminous that an individual cannot master it on his own initiative or by random study. Without this basic college training on individual cannot recognize significant social data or draw valid conclusions.

The duties of an educational consultant require more than usual knowledge in the educational and subject-matter fields, as well as leadership ability.

(b) *Director, Division of School Administration (Assistant Commissioner)*—(1) *Duties.* The director, Division of School Administration (Assistant Commissioner), works under the general direction of the U. S. Commissioner of Education with full responsibility for nation-wide leadership in formulating, developing, and executing the program of the Division of School Administration in the U. S. Office of Education, and the policies and plans for its most effective operation.

These responsibilities are carried through in such ways as the following: establishing cooperative arrangements with State and local educational authorities and with other agencies in planning and conducting essential studies of such problems as State participation in the financing of local school districts, legislation governing school textbooks, improved plans for school housing in rural areas, pupil transportation as a State responsibility, and business management in State departments of education and in county and city school systems; planning and conducting conferences, workshops, and training institutes; directing national surveys and studies and preparing reports and bulletins based on such studies; exercising national leadership in the improvement of school administration; and otherwise enabling the Office of Education to serve as a national clearing house of information on matters of State, county, and city school administration.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major work in school administration.

(c) *Director, Division of Secondary Education (Assistant Commissioner)*, P-8—(1) *Duties.* Works under the general direction of the United States Commissioner of Education with full responsibility for nation-wide leadership in formulating, developing and executing the program of the Division of Secondary Education in the United States Office of Education and the policies and plans for its most effective operation. The divisional objective is to assist State and local authorities in promoting and improving the secondary school programs of the nation in the fields of organization and supervision, teacher training and instructional problems in the various subjects of instruction in secondary schools.

These responsibilities are carried through in such ways as the following: to analyze the need for and establish adequate research programs for the collection and interpretation of facts and information which will aid in the improvement of secondary education programs; to establish and effectuate cooperative arrangements with and through State and local educational authorities and with other agencies in planning and conducting essential studies of problems that lie within the purview of the Division's interests and functions (for example, analyzing and reporting trends in the development of the curriculum for secondary schools of the nation; instructional problems of secondary education as they relate to large and small high schools; urban and rural high schools, and high schools for white and negro youth); to provide expert and impartial consultative and field service in connection with the over-all Divisional program; to identify, describe, and evaluate innovative programs and practices; to cooperate with State boards or institutions in the administration of Federal funds when and as required by law; to provide for and maintain liaison with officials of governmental and non-governmental agencies and organizations whose programs involve or are related to the constituent fields of work of the Division; to plan and conduct conferences, institutes and workshops, and address State, national and other organizations; to be responsible for the preparation of bulletins, reports and other published material covering all phases of Divisional activities; and otherwise to serve as a national clearing-house of information on secondary education.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies under-

lying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in the field of secondary education.

(d) *Chief, Instructional Problems*, P-7, *Division of Secondary Education*—(1) *Duties.* The chief, instructional problems, is responsible for exercising national leadership in the improvement of programs of instruction in secondary schools; formulates and directs national studies revealing current problems, objectives, and outcomes of instruction in English, foreign languages, social sciences, health and physical education, and other subject fields; arranges for leadership of conferences and training institutes; provides for various field services; establishes and maintains liaison with officials of governmental and non-governmental agencies and organizations concerned with secondary-school instructional problems; and directs the preparation for publication of manuscripts, reports, and articles reflecting the findings and developments in this field.

The specialist for social sciences and geography and the specialist for science assist the chief, instructional problems, in carrying out the duties and responsibilities described above.

Specifically, the specialist for social sciences and geography is concerned with secondary-school instructional problems in the social sciences (history, sociology, political science, economics, and geography), such as: the emphasis is to be given in social science instruction as a result of the new global geographical concepts due to more rapid means of communication and transportation; the organization of materials of instruction for developing ideals and attitudes for citizenship in a world society; the development of criteria to be used in evaluating the effectiveness of instruction; and the translation of a knowledge of political science into functioning civic activities on the part of students.

The specialist for science is concerned with secondary-school instructional problems in the natural sciences (physics, biology, chemistry, general science, geology, meteorology, aeronau-

tics, gardening, floriculture, and other applications of the natural sciences), such as: the determination of the elements of the aeronautical sciences to be included in science courses; the differentiation of materials and methods of instruction in the natural sciences for students expecting to complete their formal schooling with high school graduation and for other students looking forward to collegiate specialization in sciences; and the relation of teaching of natural science in rural high schools to rural life and environment.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in education, including courses in the teaching or supervision of secondary-school subjects.

(e) *Specialist for Social Sciences and Geography, P-6, Division of Secondary Education.*

(f) *Specialist for Science, P-6, Division of Secondary Education.*

NOTE: The provisions of paragraph (d) of this section are applicable to paragraphs (e) and (f) of this section.

(g) *Chief, Instructional Problems, P-7, Division of Elementary Education—*

(1) *Duties.* The chief, instructional problems, is responsible for exercising national leadership in the improvement of instructional materials and methods in elementary schools; formulates and directs national studies revealing current problems, objectives, and outcomes of instruction in reading, history, geography, physical education, safety education, science, music, art, mathematics, and other subject fields; arranges for leadership of conferences and training institutes; provides for various field services; establishes and maintains liaison with officials of governmental and non-governmental agencies and organiza-

tions concerned with elementary school instructional problems; and directs the preparation for publication of manuscripts, reports, and articles reflecting the findings and developments in this field.

The specialist, health instruction and physical education, is responsible for promoting and assisting in the development of improved programs of health instruction and physical education in the elementary schools; serves as a consultant to school superintendents, members of school boards, officials of teacher-training institutions, State departments of education, and professional organizations of teachers on instructional problems in the teaching of health and physical education, including problems such as: making effective use of information gained from school health examinations, determining the physiological knowledge desirable as a basis for health and physical education at various ages and grade levels, and developing and utilizing visual aids to health instruction.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in education, including courses in the teaching or supervision of elementary school subjects.

(h) *Specialist, health instruction and physical education, P-6, Division of Elementary Education.*

NOTE: The provisions of paragraph (g) of this section are applicable to this paragraph.

(i) *Chief, European Educational Relations, P-7, Division of International Educational Relations—*(1) *Duties.* The chief, European educational relations, is responsible for planning, developing, and directing a program for the further development of relationships to improve understanding and appreciation between the schools, school systems, colleges, uni-

versities, and other educational agencies of the United States and those of European countries; formulates and directs field studies of education in European countries; participates in formulating plans, policies, and programs for educational relations between the United States and European countries; provides expert consultative assistance to officials of State departments of education, school systems, colleges, universities, and other educational institutions in the United States and to school and college officials of European countries on educational matters; administers programs of exchange of professors, teachers, and students between the schools, colleges, and universities of the United States and those of European countries; directs the preparation and exchange between the United States and European countries of instructional materials for use in schools and colleges; and establishes and maintains liaison with other governmental and non-governmental agencies and organizations with respect to programs of educational relations with European countries.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes that the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in comparative education or related courses basic to the understanding of European educational relations, such as: international relations, contemporary European history or political science, and social anthropology.

§ 24.19 *Forester, P-1, Department of Agriculture—*(a) *Duties.* Under immediate supervision, but with individual responsibility for applying the fundamental scientific principles involved, participates in the management or administration of forest lands or in research thereon by performing the following duties:

(1) Classifies and maps topographic features, areas of different soil and site qualities, forest types and condition classes; collects field data and computes growth of trees and yield of timber; collects data and information on markets, prices, and costs of logging and manufacturing applicable to individual timber tracts; prepares preliminary timber appraisals, management plans, and recommendations for silvicultural treatment of forests;

(2) Administers small timber sales on national forests, or assists farmers and others in the sale of timber from small forested areas; selects and marks trees for removal in accordance with established practices and policies; scales, measures, and grades logs and other forest products, and inspects cutover areas for compliance with the terms of the sale;

(3) Assists in the preparation and application of plans for the prevention and control of forest fires, tree disease epidemics, and outbreaks of forest insects;

(4) Classifies and maps areas as to soil, erosion, and cover conditions and prepares recommendations for planting or otherwise revegetating barren or open areas; selects areas and times for collection of tree seeds; tests tree seeds for quality and germination; inspects the work of foremen in tree nurseries; trains planting crews and inspects their work; examines plantations and prepares reports thereon with recommendations as to future treatment;

(5) Makes measurements or observations on resources other than timber, such as forage, water, wildlife, and recreational values, on specified areas and assists in the preparation and application of correlated multiple use plans of management.

(b) *Knowledge and training requisite for performance of duties.* The Forest Service carries on specialized technical research for the whole field of forestry, not only on the national forests but also on land administered by other government agencies and on private land under a large and diversified ownership. The professional forester therefore, must be trained to perform skilled duties of a professional and scientific nature in managing and caring for forest areas. He must be able to diagnose and prescribe for the numerous diseases peculiar to forest trees, and to identify and eradicate the various insect pests, rodents, etc., in his area. Forest fires are such a universal threat to the forests of the country that special training in the principles governing their inception, spread, detection, and control is essential to professional status as a forester. Inasmuch as the national forests are valuable as grazing areas for livestock, and are also the home of vast numbers of wild game, the forester is concerned in the application of a number of separate, but related sciences in the physical, biologic, and economic fields. Forest management embraces a body of scientific principles regarding plants and animals, and the factors influencing their existence, growth, and production. Therefore, knowledge requisite for the successful performance of the duties of the position include a thor-

ough knowledge of the supporting sciences upon which forestry is based, as well as intensive training in forestry itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of forester are such that they cannot be performed by a person who does not have the following: one course in dendrology or taxonomic botany; one course in forest ecology, silvics, or plant physiology; five courses in any combination of forest mensuration, silviculture, forest planting, or forest management; three courses in any one or in any combination of forest entomology, forest pathology, or forest fire protection; three courses in wood technology and forest utilization; two courses in any one or in any combination of forest economics, forest finance, forest valuation, or forest history, policy, and law; one course in range management or wildlife management; one course in soil science, forest soils, or geology; two courses in any one or in any combination of plane surveying and mapping, topographic surveying and mapping; or forest improvements.

All of the above courses must have been acceptable for credit toward the completion of a standard four-year curriculum leading to a bachelor's degree in forestry, science, wildlife management or range management.

The possession of a bachelor's degree in forestry from a college or university of recognized standing will be accepted as meeting the educational requirements for this position.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a forester is through the completion of the courses listed above. The student receives, in such courses, competent instructions in the technical and theoretical subjects that he will have to apply as a forester. Teaching staffs keep up-to-date on the most recent developments in their respective fields and are in position to give instruction in basic scientific principles of forestry which have been repeatedly tested and confirmed. The student has access to pertinent reference material, and works in well-equipped laboratories. The scientific information thus obtained cannot be secured by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.20 *Psychiatric social worker, P-1, War Department, Fort Story, Virginia.* This position is substantially identical to the position of social worker (psychiatric) in the Veterans' Administration described in § 24.16. The Commission has determined that the same educational requirement, that is, one year of training in an accredited school of social work to include supervised field work and courses in psychiatric or medical information, be included in the require-

ments for psychiatric social worker, War Department, Fort Story, Virginia.

§ 24.21 *Range conservationist (Ecology), P-1, Department of Agriculture—*

(a) *Duties.* Under the immediate supervision of conservationists of higher grade but with individual responsibility for applying the fundamental scientific principles involved and for the accuracy of tests, observations, and measurements made, performs specific duties such as the following:

Assists in the conducting of research in the management, use, and improvement of forested and other range lands, including the laying out of experimental plots for studying ecological changes on the range in response to use by domestic livestock and game; the intensive mapping of such plots involving the identification of plants thereon; the collection of data on growth and utilization of range plants and their physiological response to grazing, under different soil and climatic conditions; the laying out, planting, and recording of success in establishment of reseeded forage species on experimental plots; the compilation and preliminary analysis of data resulting from such studies; the preparation of preliminary drafts of reports or portions thereof; and the performance of related duties as assigned.

(b) *Knowledge and training requisite for performance of duties.* The research problems involved in range conservation deal with an extremely complex set of relationships involving soil, water, climate, plants and animals. The range conservationist is concerned in the application of a number of separate, but related sciences in the physical, biologic, and economic fields. Range management is closely related to plant and animal ecology, and embraces a body of scientific principles regarding plants and animals, and the factors influencing their existence, growth and production on the range. Therefore, knowledge and training requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which range conservation is based, as well as intensive training in range conservation itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of range conservationist (ecology) are such that they cannot be performed by a person who does not have the following: Seven courses in any combination of range management, plant ecology, pasture management, wildlife management, silviculture, forest management, animal ecology or animal husbandry, provided two courses in plant ecology or one course in plant ecology and one course in range management are shown; one course in plant physiology; two courses in systematic botany, plant taxonomy or agrostology; two courses in any one or in any combination of soil science, agronomy, or geology. All of the above courses must have been acceptable for credit toward the completion of a standard four year curriculum leading to a bachelor's degree in biology, botany, zoology, agronomy, or forestry.

The possession of a bachelor's degree from a college or university of recognized standing with a minimum of 20 semester hours in plant ecology, range ecology, or forest ecology or in any combination thereof, or with a minimum of 10 semester hours in plant ecology and 10 semester hours in any one or in any combination of plant physiology, systematic botany, soil science, geology, range management, pasture management, agronomy, forestry, or animal husbandry will be accepted as meeting the educational requirements for this position.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a range conservationist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a range conservationist. Teaching staffs keep up-to-date on the most recent developments in their respective fields, and are in position to give instruction in basic scientific principles of range conservation which have been repeatedly tested and confirmed. The student has access to pertinent reference material and works in well-equipped laboratories. The scientific information thus obtained cannot be secured by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.22 Biologist (Land Management), P-1, Soil Conservation Service—(a) Duties. The duties of a biologist are, under supervision, to assist with the planning and application of soil and water conservation practices requiring a special knowledge of biology and ecology; to appraise the interrelations of plants and animals as they affect soil and water conservation and land use; to assist with the ecological use of plants and animals, especially native species, in accordance with the capabilities of the land, particularly on eroded and waste areas unfit for tilled crops, pasture, or woodland; to identify and evaluate species of insects, birds, mammals and other animals, populations of which are influenced by the establishment of soil and water conservation practices and to suggest methods of reducing injurious organisms, especially by ecological methods; to prepare information on ecological aspects of soil and water conservation, including relation of conservation practices to populations of both beneficial and harmful wild plants, insects and other invertebrates, as well as rodents, predators, big game and other mammals; to assemble biological data useful in determining the effectiveness of conservation practices and to work with and assist farmers and ranchers with the use of ecological knowledge essential to the successful establishment and maintenance of such practices; to keep records and prepare reports and other informational material relative to bio-

logical and ecological aspects of soil and water conservation and land use; and to perform related duties.

(b) Knowledge and training requisite for performance of duties. Knowledge and training requisite for the successful performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which biology is based, as well as intensive training in biology itself. The work of the biologist requires an intimate knowledge of living things and of environmental conditions—organic and inorganic, physical and biotic. It demands particularly familiarity with environmental conditions as they result from past and present use of the land, and appreciation of the relationship between such conditions and living things. Particularly important is an understanding of the interrelationships between wild plants and animals and the practices being applied to the land in order to achieve soil and water conservation. The biologist must possess a fundamental knowledge of the life histories, habits, and habitats of plants, birds, mammals, and other animals, and of plant and animal communities as dynamic forces of value in land management.

(c) Method of obtaining basic knowledge and training. The Commission has decided that the duties of the position of biologist are such that they cannot be performed by a person who does not have the following:

Twelve courses in biology, botany, zoology, or ecology which has included at least 4 courses in entomology, herpetology, ichthyology, mammalogy, or wildlife management;

Two courses in soil science or earth science or in any combination thereof;

Two courses in any one or in any combination of agriculture, horticulture, forestry, or range management.

The possession of a bachelor's degree from a recognized college or university with a major in biology including 12 or more courses in any combination of 3 or more of the following will be accepted as meeting the educational requirement for this position: ecology, botany, zoology, entomology, herpetology, ichthyology, ornithology, mammalogy, wildlife management, agriculture, forestry, range management.

In the field of biology a great deal of scientific, technical, and applied knowledge is available in the educational institutions of the country which offer courses in the biological sciences. The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a biologist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a biologist. He attends seminars and lectures, has access to a scientific library, and works in well equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the Commission is of the opinion that the student cannot cover the material except through supervised progressive courses

of study designed to provide a comprehensive understanding of the subject.

§ 24.23 Clinical Psychologist P-2 through P-5 in Veterans' Administration hospitals and out patient clinics and in U. S. Public Health Service clinics—(a) Duties. Appointees to these positions apply psychological principles and techniques to the diagnosis and treatment of maladjusted individuals. With a degree of responsibility appropriate to the grade, they administer and interpret psychometric tests of intelligence, achievement, vocational aptitude, or personality, or use other diagnostic techniques; confer with psychiatrists, physicians, social workers, and professional staff members; contact representatives of schools or other institutions or individuals to secure information as a basis for diagnosis; carry out psychotherapeutic treatment as affected by the psychiatrists; perform psychological research in the field of mental health; promote public relations by radio and personal addresses; collaborate in the preparation of informational material; perform related work as assigned. At the higher levels also direct and supervise a clinical psychological program.

(b) Knowledge and training requisite for performance of duties. A thorough knowledge is required of the fundamental and supporting arts and sciences upon which psychology is based as well as intensive training in psychology and psychopathology. In order to make appropriate application of tests in a variety of situations involving maladjusted individuals, to analyze and interpret results of such tests in the light of available psychiatric, medical, social, and educational data, and to make recommendations for treatment of maladjusted individuals, it is essential that the clinical psychologist have knowledge of human behavior, of neurotic and psychotic variants, of basic medical information and terminology, and of the social forces that affect the development of the individual. In addition to the knowledge required, the clinical psychologist must have command of specialized techniques of measurement, of observation, and of interpretation of data.

(c) Method of obtaining basic knowledge and training. The Commission has determined that the duties of the position of clinical psychologist at all levels are such that they cannot be performed by a person who does not have, in addition to the experience required for the various levels, at least 10 courses in psychology in a college or university of recognized standing, including

Two courses in abnormal psychology, clinical psychology, mental hygiene, or personality adjustment;

Two courses in clinical techniques such as individual testing, interviewing, or the case study method;

Two courses in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude), or statistics;

One course in human biology, neurology, or physiological psychology; and

Three courses in general, experimental, child, adolescent, social, animal, or systematic psychology or additional courses listed in the foregoing paragraphs.

Completion of all requirements for the Ph. D. degree in psychology will be accepted as meeting this educational requirement.

The Commission is of the opinion that the only satisfactory method by which persons may obtain the basic knowledges and skills is through the training given at recognized colleges and universities. Through such training, the student receives competent instruction in both the theoretical and the practical aspects of the subject matter that he will later apply as a clinical psychologist. Such scientific knowledge and skill cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies include pertinent information from a variety of fields which are so voluminous that the student could not cover the material effectively on his own initiative or by random study.

§ 24.24 *Land Classification Specialist, Grades P-1 and P-2, Bureau of Reclamation, Department of the Interior.*

NOTE: The provisions of § 24.9 are applicable to this section.

§ 24.25 *Educational Consultant, Grades P-7 and P-8, Army Air Forces.*

NOTE: The provisions of § 24.4 are applicable to this section.

§ 24.26 *Educational Retraining, Veterans' Administration—(a) Instructor, SP-6.*

- (b) *Instructor-Supervisor, SP-8.*
- (c) *Instructor-Supervisor, P-2.*
- (d) *Chief, P-3.*

NOTE: The statement showing justification for educational requirements for Teachers, All Grades (see § 24.12), is applicable to the position listed above.

NOTE: The provisions of § 24.12 are applicable to this section.

§ 24.27 *Pharmacist P-1 through P-4—(a) Educational requirement.* Applicants must hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator, and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia.

(b) *Justification of educational requirements.* Section 5, 59 Stat. 676; 38 U. S. C., Sup., 15d, an act to establish a Department of Medicine and Surgery in the Veterans' Administration, provides that a person to be eligible for appointment in the Department of Medicine and Surgery as a pharmacist must "hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia."

By authority of 59 Stat. 675; 38 U. S. C., Sup., 15-15n, the Administrator of the Veterans' Administration has established minimum qualifications for professional pharmacists' positions in that agency to include a degree in pharmacy or an equivalent degree from a four year standard college course. In view of the almost identical nature of duties of pharmacists wherever found it is not believed that different requirements may reasonably be established for pharmacists in

Government agencies other than the Veterans' Administration.

§ 24.28 *Chemist—(a) Grade P-1—(1) Educational requirements.* Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; and in addition, sufficient appropriate experience which, when combined with the required 30 hours in chemistry, will give the applicant the substantial equivalent of a 4-year college course.

In either subdivision (i) or (ii) of this subparagraph above, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition any two of the following: (a) Advanced inorganic chemistry; (b) biochemistry; (c) organic chemistry; (d) Physical Chemistry.

(2) *Duties.* The statements in subparagraphs (3) and (4) of this paragraph are with reference to those positions in chemistry of a highly involved technical nature having to do with original research in chemistry of a very difficult fundamental character or in other duties of comparable scope or scientific difficulty.

Appointees perform these duties in connection with a wide variety of chemical projects necessitating scientific research of more than ordinary difficulty and requiring a knowledge of other sciences connected with such chemical investigations.

(3) *Knowledge and training requisite for performance of duties.* These positions are characterized by investigations in new, untried and unfamiliar chemical fields. Incumbents must have aptitude for and training in the methods of original research coupled with scientific curiosity, decided ability to discover new methods or compounds or to do work necessitating the use of new instruments and the adoption of unusual means. In order to perform these duties and so that there be less likelihood of failure in them incumbents must have received broad training which has furnished a very adequate comprehensive and preferably an exceptional background and foundation in chemistry, physics, mathematics and related sciences. They must have a thorough knowledge of recent accomplishments in the field of chemistry and a thorough knowledge of modern literature in chemistry and its related sciences. They must also have been trained in the use of written language and be fitted for advancement into more responsible and exacting positions.

(4) *Method of obtaining basic knowledge and training.* The only place to obtain broad reliable training in the fundamentals of the various sciences involved of the level and extent required for the

proper performance of these duties is in a college or university of recognized standing where a full staff of competent instructors are available and where adequate laboratory facilities exist and suitable standards for completeness of the program and thoroughness of the methods of instructions are maintained.

(b) *Grades, P-2 through P-8—(1) Educational requirements.* Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subdivisions (i) or (ii) of this subparagraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (a) Advanced Inorganic Chemistry; (b) Biochemistry; (c) Organic Chemistry; (d) Physical Chemistry. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in chemistry at a college or university of recognized standing.

(2) *Restrictions of certification for highly technical positions.* For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in chemistry in a college or university of recognized standing.

(3) *Duties.* The duties of the P-2 to P-8 chemist are: to perform, conduct, plan, or direct scientific investigative, developmental, or fundamental research work in one or more of the specialized fields of chemistry; to collect, examine, and interpret scientific data; to coordinate assignments and programs; to prepare budget estimates for specified research programs; and to perform related duties as assigned.

(i) Those positions in chemistry requiring, as a positive requirement, formal education to the extent only of 30 semester hours of college study in chemistry supplemented by appropriate experience or education are characterized as follows:

The solution of specific problems of limited scope which does not involve the application of all the principles of the scientific fields related to chemistry—in general, problems where a broad viewpoint or training is not necessarily required; conducting important chemical analyses of material; directing the standardization and testing of well-known types of equipment or instru-

ments; developing modifications of standard procedures, tests, techniques, etc.; making literature surveys of the field; and preparing, editing, and reviewing technical reports on the results of the work performed in the field of professional chemistry.

(ii) Those positions requiring the successful completion of four years of college or university training in chemistry are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of chemistry and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices or products.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(4) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described in subparagraph (3) (i) of this paragraph consists of the completion of 30 semester hours of study in chemistry in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of chemistry. It includes courses in the principal fields of chemistry (analytical, inorganic, organic, and physical) which are required to furnish the basic knowledge for any type of professional work in chemistry. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in chemistry. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed and made available is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements and to draw conclusions that are useful and fully warranted by experimental results.

The minimum amount of training required for the successful performance of the duties described in subparagraph (3) (ii) of this paragraph is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 30 semester hours of study in chemistry. Such a college course consists of laboratory work (including the use of complex apparatus) lectures, recitations, seminars, and selected reading in chemistry and other fields given under competent instruction

and guidance. Such a curriculum is planned and integrated so as to provide a sound and comprehensive training not only in chemistry but in related subjects such as physics, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(5) *Method of obtaining basic knowledge and training.* Subparagraphs (1)-(4) of this paragraph contain statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of chemistry. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(6) *Justification of educational requirement.* The world of today is conscious that it is living in an atomic age and the people of the United States are aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal Government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences, during World War II, have been outstanding and of major importance. Particularly is this true of the field of chemistry in all of its branches and further advances will depend on the number of highly qualified and properly trained chemists who are competent to explore the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated scientific research in a specialized field of chemistry must of necessity possess the fundamental scientific knowledge characteristic of their own field and in addition that of certain allied

fields in order that they may successfully attack these complex problems with which they are faced.

Private industry doing research in chemistry has long recognized the necessity for broadly trained men for professional chemists' positions who are well-grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in the science, and in many instances a doctor of philosophy degree with specialization in a particular field is demanded.

§ 24.29 *Physicist, P-1 through P-8—*
(a) *Educational requirements.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in physics. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(2) Courses in physics, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in physics will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subparagraph (1) or (2) of this paragraph, the courses must have included a fundamental course in general physics and in addition any two of the following: (i) Electricity and magnetism; (ii) heat; (iii) light; (iv) mechanics; (v) modern physics; (vi) sound. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in physics at a college or university of recognized standing.

NOTE: For those positions involving highly complicated or fundamental scientific research or similar difficult duties, certification may be restricted to those eligibles who show the successful completion of a full college education in physics in a college or university of recognized standing.

(b) *Duties.* (1) Those positions in physics requiring, as a positive requirement, formal education to the extent only of 24 semester hours of college study in physics supplemented by appropriate experience or education are characterized as follows:

The solution of specific problems of limited scope which do not involve the application of all the principles of the scientific fields related to physics—in general; problems where a broad viewpoint or training is not necessarily required; conducting important physical tests of material and scientific instruments; directing the standardization and testing of well known types of equipment or instruments; developing modifications of standard procedures, tests, techniques, etc.; making literature surveys of the field; and preparing, editing, and reviewing technical reports on the

results of the work performed in the field of professional physics.

(2) Those positions requiring the successful completion of four years of college or university training in physics are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of physics and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices or products.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described under paragraph (b) (1) of this section consists of the completion of 24 semester hours of study in physics in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of physics. It includes courses in the principal fields of physics (heat, light, sound, mechanics, electricity and magnetism) which are required to furnish the basic knowledge for any type of professional work in physics. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in physics. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed and made available is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements and to draw conclusions that are useful and fully warranted by experimental results.

The minimum amount of training required for the successful performance of the duties described in paragraph (b) (2) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 24 semester hours of study in physics. Such a college course consists of laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in physics and other fields given under competent instruction and guidance. Such a curriculum is planned and integrated so as to provide a sound and comprehensive training not only in physics but in related subjects such as

chemistry, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledges, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a) - (d) of this section contain statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of physics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.30 *Engineer, Trainee, SP-3, SP-4, SP-5—(a) Education requirement.* Applicants must have graduated from an accredited high school and must have successfully completed the following high school work:

English	3 units
Algebra	1 unit
Plane geometry	1 unit
Solid geometry	½ unit
History	1 unit

(b) *Duties.* The duties of an Engineer Trainee position will consist of a combination of (1) on the job training at Wright Field, Dayton, Ohio, and (2) scholastic training in Engineering at a university designated by the Air Materiel Command.

(c) *Knowledge and training requisite for performance of duties.* The applicant must be qualified to meet the university entrance requirements in order to enroll for scholastic training in Engineering. Graduation from an accredited high school and completion of the courses listed in the education requirement are required for admission into an engineering course at a college or university of recognized standing. The education prescribed above is therefore necessary for the adequate performance of the duties listed for the Engineer Trainee position.

§ 24.31 *Geologist—(a) Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, including courses in geology consisting of lectures, recitations and appropriate

practical laboratory and field work totaling at least 30 semester hours; or

(2) Courses in geology, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory and field work totaling at least 30 semester hours plus additional appropriate experience or education which when combined with the 30 semester hours in geology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subparagraph (1) or (2) of this paragraph, the 30 semester hours must include or have been supplemented by any five of the following: (i) Physiography; (ii) structural geology; (iii) geophysics; (iv) mineralogy; (v) petrology; (vi) optical mineralogy; (vii) economic geology (metals, non-metals or fuels); (viii) ground water geology; (ix) invertebrate paleontology; (x) stratigraphy; (xi) sedimentation; (xii) map interpretation; (xiii) field geology.

(b) *Duties.* Appointees conduct or assist in professional geological work in one or more of the specialized fields of geology. This work usually involves scientific research of more than ordinary difficulty and requires a knowledge of the fundamental principles of other sciences connected with such geological investigations. In the higher grades in addition to performing difficult and responsible individual work many of these geologists occupy administrative and supervisory positions, planning the work of a group of geologists, or reviewing and directing the activities of lower grade geologists or assistants. The duties performed and the responsibilities assumed will vary with and be commensurate with the grade of the position.

Typical duties of geologists include: Making maps showing the location and character of rock formations, mineral deposits, ore deposits, underground water, etc., recording factual data about each and sampling systematically for laboratory study; examining and making generic and specific identification of fossil material requiring a knowledge of paleontology, systematic classification, the structure and evolution of various classes of organisms and the principles of nomenclature; making investigations of sedimentation resulting from accelerated soil erosion; classifying sedimentary deposits; preparing technically comprehensive and scientifically and economically sound reports including such items as the compilation of accurate maps from field triangulation, cadastral surveys and aerial photographs using photogrammetric and other methods; constructing cross sections, three-dimensional diagrams, charts and tables illustrative of observed, inferred or computed subsurface relationships of rock formations involved in folds, or offset by the several kinds of faults or cut by intersecting dikes or mineral bearing veins; the analysis, appraisal and summation of various kinds of geologic data.

(c) *Knowledge and training requisite for performance of duties.* For the successful performance of the duties described in paragraph (a) of this section, the geologist needs a basic general knowledge of the principles of stratig-

raphy, sedimentation, structural geology, paleontology, ore deposition, and mineralogy; and a specialized knowledge of the following: The various types of sedimentary, igneous and metamorphic rocks; the rank and grade of coals; the porosity and permeability of rocks as potential reservoirs of oil and of underground water; the distinctive structural features and paragenesis of ore veins; the criteria for the evaluation of unconformities, the geomorphic cycles that have sculptured the landscape and their correlation with Tertiary and Quaternary sediments; the processes of erosion and sedimentation; the applications of mathematics and the physical and biological sciences to geological problems.

(d) *Methods of obtaining basic knowledge and training.* The only place to obtain broad reliable training in the fundamentals of the various sciences involved of the level and extent required for the proper performance of the duties described in paragraph (b) of this section is in a college or university of recognized standing where a full staff of competent instructors are available and where adequate laboratory facilities exist and suitable standards for completeness of the program and thoroughness of the methods of instructions are maintained.

§ 24.32 *Bacteriologist, P-1, P-2, P-3, (option, agricultural)*—(a) *Educational requirement.* Applicants must have successfully completed, in a college or university of recognized standing, courses consisting of lectures, recitations, and appropriate laboratory work totaling at least twenty semester hours in either bacteriology or in any combination of bacteriology, biology and biochemistry which includes at least ten semester hours in bacteriology.

(b) *Duties.* Appointees conduct or assist in scientific, investigative or fundamental research work in one or more of the specialized fields of bacteriology. This work involves the careful collection of scientific data and the examination, study and interpretation of this data requiring a knowledge of the fundamental principles of Bacteriology and related sciences and the ability to apply them. The work also necessitates a knowledge of and ability to apply laboratory methods and techniques and requires familiarity with the apparatus and instruments used.

With supervision received and responsibilities carried varying in accordance with the grade occupied, appointees study, describe and identify organisms which are responsible for: the deterioration and spoilage of foodstuffs, the changes in and the improvement or degradation of soils, the precipitation from solution of valuable chemicals, etc. They work out details for carrying out plans and programs. They supervise the work of laboratory aides and technicians engaged in bacteriological examinations. They observe, tabulate, and study results and they write reports describing the work and discussing the results.

(c) *Knowledge and training requisite for performance of duties.* The science of Bacteriology includes the study of the properties of bacteria as living animal or plant organisms capable of producing

beneficial or harmful effects on other organisms directly or by means of substances resulting from their growth or metabolic processes. Such study involves investigation of the physical and chemical changes that accompany the growth, development and degradation of the species and therefore demands a knowledge of the related sciences of Biology, Chemistry and Physics. The laboratory techniques of the latter sciences as well as those used in bacteriological examination such as methods of bacterial culture, development of strain virility, and the isolation of friendly bacteria, etc., is in turn demanded in order to solve the problems of the sciences. Closely supervised training and knowledge of specialized equipment and its use can only be obtained in institutions that have been thoroughly investigated and found to possess competent instructors, adequate resources, and the essential scientific laboratory equipment.

(d) *Method of obtaining basic knowledge and training.* The technical knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by attending and completing courses in a recognized college, university or medical school.

§ 24.33 *Engineering positions involving highly technical research, design or development, or similar functions*—(a) *Educational requirement.* Applicants must have successfully completed a full college course in engineering.

(b) *Duties.* Professional engineering positions which require the successful completion of four years of college or university training are those positions "involving highly technical research, design and development or similar functions", the duties of which include the performance of such functions as the following:

(1) A critical investigation requiring a high level of intelligence and a sound knowledge of fundamental scientific concepts, principles, and terminology and having for its aim the discovery of new facts or principles, the interpretation of new knowledge or the more complete interpretation of facts already known, or the revision of accepted conclusions, theories, and laws in the light of newly discovered facts; or

(2) The application of known complex scientific laws, facts and discoveries, in new and untried ways to develop new or improved processes, techniques, methods of production, devices, or products; or

(3) In general those scientific activities of an extremely complex nature in which new methods are devised, or new and advanced contributions to knowledge are developed.

(c) *Knowledge and training requisite for performance of duties.* It is widely recognized that improvement in, and the safeguarding of, the health, security, and welfare of the nation and the modernization and safe and adequate design of large and complicated engineering structures is dependent upon the quality and extensiveness of the scientific and engineering research and development activities of the nation. These problems are

recognized as of such vital importance to the activities and existence of the nation that the Federal Government, through its various departments and agencies, is required by Congress to engage in scientific research and development.

In their infancy scientific and engineering research were of necessity concerned with the discovery of the simpler and more elementary facts, laws and processes of nature. However, so much has now been learned about the facts, laws, materials and processes of nature, and so complex are the concepts and tools of modern science and engineering that personnel engaged today in carrying out highly technical scientific and engineering research, design, or development and similar functions must possess special qualifications if their work is to be productive and in step with the times.

The more successful establishments throughout the country now require of applicants for research and similar scientifically exacting positions at least a bachelor's degree and frequently a doctorate in scientific subjects. Because of the complexity of scientific knowledge, concepts and specialized tools required for satisfactory achievement in modern engineering research, design and development, and because of the difficulty of acquiring proficiency in the scientific fields, agencies of the Federal Government must have for certain positions in scientific work, personnel who have a sound fundamental knowledge in the sciences and the ability to apply this theoretical knowledge to the interpretation of data gathered in the fields of research or to the production or development of new processes, devices or techniques.

(d) *Method of obtaining basic knowledge and training.* Positions in the engineering field as defined in paragraph (b) of this section require the completion of a full four year course in engineering in a college or university of recognized standing to insure technical knowledge and training of the level and extent required for the proper performance of these duties. In the professional schools of such institutions a student receives competent instruction and guidance in the technical and theoretical subjects that he will have to apply in his profession. He attends seminars and lectures, has access to scientific libraries and works in well equipped laboratories provided by the professional schools. In these schools prevailing practices have undergone analysis and those found to be most effective have been organized into relevant courses of instruction. Through training received in the professional schools the student receives competent instruction in specialized fields and is expertly guided in his selection of readings from available literature which is so voluminous that no individual could master it by random study. The required studies represent information from a variety of fields and the student cannot cover the material except through supervised courses of study designed to provide a comprehensive understanding of the subject.

§ 24.34 Instructor, Academic Subjects, Apprentice Schools, Navy Department.

NOTE: The provisions of § 24.12 are applicable to this section.

§ 24.35 Geophysicist, P-2 through P-6—(a) Educational requirements. For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in a pertinent field in a college or university of recognized standing.

(b) *Duties.* The duties of the P-2 to P-6 geophysicist are: (1) Planning, directing, and making geophysical observations in the field or at fixed stations, interpreting the results, preparing charts, tabulations, and securing other scientific information required in observations for interpretations, designing or assisting in constructing specialized operations and equipment for use in connection with geophysical investigations; (2) conducting or assisting in geophysical prospecting, explorations, or other geophysical observations; (3) making reports, and preparing articles for publication.

These positions involving the duties described in subparagraphs (1)–(3) of this paragraph and requiring the successful completion of four years of pertinent college or university training are characterized as follows:

(i) Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of geophysics and the related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

(ii) The application, in new ways, of known complex scientific laws and facts to the development of new techniques or devices.

(iii) The coordination and planning of a broad research program requiring the combined efforts of several specialists in different scientific fields, in which the leader of the program must have a thorough understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of training required for the successful performance of the duties described in paragraph (b) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing including a minimum of 30 semester hours credit in either geology, mathematics, physics, geophysics, engineering, or closely allied subjects, or any combination thereof. Such college courses include laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in various fields all given under competent instruction and guidance. Such curricula are planned and integrated so as to provide a sound and broad training

in related scientific fields. Training in the fundamentals of various related scientific fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional complex research work in the field of geophysics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(e) *Justification.* All people throughout the world today are conscious that they are living in a rapidly moving world and the people of the United States are particularly aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal Government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various physical sciences, during World War II, have been outstanding and of major importance. This is especially true in the field of geophysics and many of the advances in the allied sciences have been useful in the field of geophysics. Further advances will depend on the number of highly qualified and properly trained geophysicists who are competent to explore the particular phase of the work on which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge from all fields, so that persons engaged in highly complicated scientific research in geophysics must of necessity possess the fundamental scientific knowledge characteristic of their own field and in addition that of certain allied fields in order that they may successfully attack those complex problems with which they are faced.

§ 24.36 Junior Professional Assistant—(a) Educational requirements—(1) Mathematician. Mathematicians will perform or assist in performing mathematical calculations and computations incident to investigative, developmental and research work in the scientific fields such as engineering, physics, astronomy, etc. These duties include mathematical and statistical analyses of observational data, computation of scientific tables, preparation of graphs and charts, writing scientific reports and practical computations on engineering and scientific problems involving higher mathematics. This work requires a thorough knowledge of basic mathematics such as trigonometric equations, differentiation, integration, solution of differential equations, development and application of formulae, etc. as well as familiarity with other related scientific fields.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in mathematics. This study must have included courses in mathematics consisting of lectures and recitations totaling at least 24 semester hours, and courses in the physical sciences (engineering, physics, geology, astronomy, chemistry, etc.) totaling 12 semester hours.

(ii) Courses in mathematics, in a college, or university of recognized standing, consisting of lectures and recitations totaling at least 24 semester hours; plus additional appropriate experience or education in scientific fields which when combined with the 24 semester hours in mathematics will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course prescribed under (i) above. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional experience in the mathematical or statistical analysis of observational data in the physical or biological sciences which provided a working knowledge of the theory and application of mathematical principles.

Research experience in such fields as physics, chemistry, engineering, biology, etc. which involved the evaluation of reports and the organization of experimental data. Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included analytic geometry, differential calculus, integral calculus and in addition, any four of the following: (a) trigonometry, (b) theory of equations, (c) vector analysis, (d) statistics, (e) higher algebra (beyond elementary college algebra), (f) differential equations, (g) advanced differential calculus, (h) advanced integral calculus.

(2) *Physicist.* Physicists will conduct or assist in conducting scientific investi-

gative, developmental or fundamental research work in one or more of the specialized fields of physics; and collect, examine, and interpret data relative to any assigned project or specific problem in a specialized field of physics. These duties require a working knowledge of the basic laws, concepts, and terminology of physics which includes the fundamental phenomena of electricity and magnetism; geometrical and physical optics; the thermal properties of matter as related to mechanical applications, molecular motion and radiation; the nature, propagation and detection of sound waves; mechanics; radioactivity and nuclear transformation; and the theory and application of methods of precise measurements in physics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in physics. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(ii) Courses in physics, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in physics will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific publications.

Research experience in such fields as physics, chemistry, engineering or biology, which included the analysis of data and the preparation of reports.

Work in physics of a professional grade such as described in the duties of positions to be filled from this examination.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included a fundamental course in general physics and in addition any two of the following: (a) electricity and magnetism, (b) heat, (c) light, (d) mechanics, (e) modern physics, (f) sound.

(3) **Chemist.** Chemists will conduct or assist in conducting scientific investigative developmental or fundamental research work in one or more of the specialized fields of chemistry. This involves highly technical operations, the use of complex apparatus and the application of the scientific principles of the fundamental branches of chemistry and other related scientific fields to the solution of chemical problems. The duties

include the collection, examination, and interpretation of scientific data and require a thorough knowledge of the laws, concepts, and theories of chemistry and other related sciences, nomenclature, measurements, methodology and the ability to apply this knowledge in the laboratory.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature.

Research experience in such fields as physics, chemistry, engineering or biology, which included the analysis of data and the preparation of reports.

Chemical work of professional grade, such as that described in the duties of the positions filled from this examination.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (a) advanced inorganic chemistry; (b) biochemistry; (c) organic chemistry; (d) physical chemistry.

(4) **Metallurgist.** Metallurgists will conduct or assist in conducting scientific investigative, developmental or fundamental research work in metallurgy; collect, examine and interpret metallurgical data; design, construct, install or operate metallurgical equipment. These duties require a working knowledge of the basic laws, concepts, techniques, and terminology of recovery or process metallurgy which includes extractive processes such as grinding of ores, sedimentation, roasting, smelting, flotation, leaching, crystallization, precipitation, and electrolysis of metallic salts and physical or adaptive metallurgy which includes adaptive processes such as casting, rolling, hammer forging, drawing, spinning, die-casting, welding, and heat treating. This work requires a knowledge of thermodynamics, stoichiometry, electrochemistry, mineralogy

of ores, phase relationships in alloys, the effect of heat and forming processes on crystalline structure, X-ray analysis, microscopic metallography, and methods of testing ores, metals, and metal alloys.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in metallurgy or metallurgical engineering. This study must have included courses in metallurgical subjects consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in metallurgical subjects, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education, which when combined with the 20 semester hours in metallurgical subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with matters closely related to the field of metallurgy.

Research experience in such fields as physics, chemistry or engineering which included the analysis of data and the preparation of reports.

Metallurgical work of professional grade such as that described in the duties of the positions to be filled from the examination, or related work of a subprofessional grade.

In either subdivision (i) or (ii) of this subparagraph the courses must have included at least 3 of the following:

(a) Physical metallurgy; (b) metallurgy of iron and steel; (c) metallurgy of non-ferrous metals; (d) metallography; (e) mineral dressing; (f) electro-metallurgy; (g) process metallurgy.

(5) **Geographer.** Geographers will perform or assist in performing professional work in the field of geography; perform related cartographic work including the compilation and the analyzing of geographic data; assist in studies and researches relating to industrial and commercial geography, soils, soil erosion and land utilization mapping, climatology, vegetation distribution, and allied fields; prepare reports on the geography (physical, economic, social, and political) of specified areas; and assist in the establishment and use of map collections.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree. This study must have included or been supplemented by courses in geography consisting of lectures and recitations totaling at least 24 semester hours. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography provided the applicant shows at least 15 hours in purely geographic subjects; or

(ii) Courses in geography, in a college or university of recognized standing, consisting of lectures and recitations totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in geography will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography, provided the applicant shows at least 15 hours in purely geographic subjects. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Library or field research dealing with the collection and analysis of geographic or closely allied data.

Assisting in editing, abstracting, or translating documents, scientific literature and preparing reports relating to geography, or closely allied fields such as geology, or meteorology, etc.

Experience gained in such positions as geographic aid, scientific aid in geology, air intelligence specialist, or cartographer.

Subprofessional or higher grade experience in the field of oceanography, nautical science, air navigation, and other related fields.

(6) *Textile technologist.* Textile technologists will conduct, or assist in conducting, scientific investigative, developmental, production, or fundamental research work in textile technology. These duties include work in such branches of textile technology as yarn and fabric manufacturing, processing, and utilization; textile chemistry; fiber technology; determination of the physical characteristics of textiles and textile fibers. All of these duties involve the collection, examination, and interpretation of scientific and operating data and require a knowledge of the scientific laws and concepts underlying textile processing, manufacturing, designing, and utilization.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in textile technology. This study must have included courses in textile technology consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in textile technology, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory

work totaling at least 20 semester hours; plus additional appropriate experiences or education which, when combined with the 20 semester hours in textile technology, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of technology or engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with textiles and related matters.

Research experience in such fields as physics, chemistry, engineering, or biology, which included the analysis of data and the preparation of scientific reports.

Technological work of professional grade, such as the duties of the position shown above, or professional and subprofessional work in related duties.

(7) *Archivist.* Archivists will analyze, evaluate, and appraise government records for the purpose of determining which ones are of historical value. They may be responsible for classifying the documents and for preparing index cards containing a brief summary of the contents of the material. Their duties may also include reference and research work to locate information requested by specialists in various fields who are engaged in identifying, classifying and preserving documentary materials.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, including or supplemented by 12 semester hours in U. S. history and 18 semester hours in any one or in any combination of the following: (a) history; (b) political science; (c) sociology; (d) economics; (e) public administration; or

(ii) Courses in a college or university of recognized standing as described in (i) above; plus additional appropriate education or experience which, when combined with the 12 semester hours in U. S. history and 18 semester hours in the other above-mentioned subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to meet this requirement:

Experience as an archivist in a Federal, State, church, business, or other archives.

Experience as a records analyst engaged in the management and retirement of non-current records in a Government agency.

Responsible experience in the Historical Records Survey.

(8) *Economist.* Economists will conduct elementary professional economic research, including the evaluation and briefing of expository data, the appraisal

and compilation of statistical data, and the preparation of tentative economic reports on some phase of a major economic problem.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree, in a college or university of recognized standing, with 24 semester hours in economics and 3 semester hours in statistics.

(ii) Courses consisting of 24 semester hours in economics and 3 semester hours in statistics, in a college or university of recognized standing; plus additional appropriate experience or education which when combined with these courses, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible clerical experience in the appraisal of economic data (not of a statistical nature), and the preparation of economic outlines, briefs and reports.

Progressively responsible clerical experience in the appraisal of economic data, both expository and statistical; the compilation of appropriate statistical data; and the preparation of economic outlines, briefs and reports.

(9) *Statistician.* Statisticians will conduct elementary professional statistical research including the use, under guidance, of technical statistical method; the initial appraisal of statistical measures; and the preparation and interpretation of tables, charts and graphs.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, leading to a bachelor's degree, in a college or university of recognized standing, with 20 semester hours in statistics; or 30 semester hours of college work consisting of a combination including 6 semester hours in statistics and 24 semester hours in any one of the following: (a) economics; (b) agricultural economics; (c) sociology; (d) political science; (e) social service; (f) education; (g) psychology; (h) home economics; (i) biology; (j) public health; (k) agriculture; (l) mathematics; (m) engineering; (n) physics.

(ii) Courses as given under (i) above; plus additional appropriate experience or education which, when combined with these courses, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible clerical experience in (a) use of frequency distributions; (b) calculation of measures of central tendency, measures of variation and skewness, or index numbers; (c) graphic analysis, time series analysis or correlation analysis under the direction of a professional statistician.

Progressively responsible experience in planning statistical surveys; processing statistical data, including the collection, compilation, verification and ap-

praisal of consistency of numerical data; and analyzing statistical data.

(10) *Agricultural bacteriologist.* Agricultural bacteriologists will assist in performing research or other professional or scientific work in the field of bacteriology, including the study of micro-organisms in agricultural products, such as dairy products, food and food-stuffs, textiles and soils. These duties require a working knowledge of the basic principles, concepts and terminology of bacteriology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in biological science including not less than 6 semester hours in bacteriology.

(ii) Courses in biological science in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 hours of which not less than 6 are in bacteriology; plus additional appropriate experience or education which, when combined with the 20 semester hours prescribed, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement.

Technical experience in a biological science laboratory.

Teaching bacteriology courses.

(11) *Agricultural economist.* Agricultural economists will assist in research or other scientific or professional work in the field of agricultural economics, applying basic economic laws and principles in connection with the collection of agricultural data and will assist in the preparation of reports on farm policies and on the production and distribution of agricultural commodities. These duties require a working knowledge of the basic principles, concepts and terminology of agricultural economics and a knowledge of the application of statistics to economic research.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in agricultural economics, or study leading to a degree in the closely allied fields of general economics, business administration, political science or sociology, including at least 12 semester hours in agricultural economics and 3 semester hours in statistics; or

(ii) Courses in agricultural economics in a college or university of recognized standing, consisting of lectures and recitations totaling 21 semester hours in agricultural economics and 3 semester hours in statistics; plus additional appropriate experience or education which, when combined with the 21 semester hours in agricultural economics and 3 semester hours in statistics, will total 4 years of education and experience and will give the applicant the substantial equivalent of a 4-year college course. Study in the closely allied fields of general economics, political science, business

administration (including marketing and transportation), economic geography, or sociology may be included in the 21 semester hours of agricultural economics. *Provided*, That the applicant shows at least 12 semester hours in purely agricultural economic subjects and 3 semester hours in statistics.

The following types of experience will be accepted in combination with education to complete the 4-year requirement: Progressively responsible experience in the collection and preliminary analysis of statistical and narrative economic data in such agricultural fields as production, storage, transportation, marketing, distribution, consumption, prices and income.

(12) *Agronomist.* Agronomists will perform research or other scientific or professional work in the field of agronomy. They will assist in crop adaptation surveys; develop field survey reports, identify soil types; advise on use of fertilizer and other soil amendments; assist in developing suitable crop rotations; identify weeds and crop seeds; supervise the production of elite and other types of improved farm crop seeds; assist in research projects such as crop improvement, breeding and disease resistance programs. These duties require a working knowledge of the basic principles, concepts and terminology of agronomy, crop genetics, cultivation, fertilization and rotation.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in agronomy, or

(ii) Courses in plant science and agronomy in a college or university of recognized standing consisting of lectures and recitations and laboratory work totaling at least 30 semester hours including 10 semester hours in farm crops, 6 semester hours in soils, and 4 semester hours in animal husbandry; plus additional appropriate experience or education which when combined with the 30 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible technical experience on a farm growing hybrid corn or similar class of seed commercially.

Responsible agronomic experience on a college or other experiment station.

(13) *Animal husbandman.* Animal husbandmen will assist in research or other professional or scientific work in the care, breeding and feeding of domestic animals, other than dairy animals, and in the investigation of the effect of environment on animal products. These duties require a working knowledge of the basic principles, concepts and terminology of animal husbandry, animal nutrition and animal production.

Applications must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing lead-

ing to a bachelor's degree with a major in animal husbandry, or:

(ii) Courses in animal husbandry, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours in animal husbandry plus additional appropriate education or experience which when combined with the prescribed courses will total four years of education and experience and give the applicant the substantial equivalent of a four-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience with an experimental group of farm or ranch animals.

Responsible experience with a large commercial group of farm or ranch animals.

(14) *Aquatic biologist.* Aquatic biologists will assist in research or other scientific, or professional work in the study of life history, habits, classification, and economic relations of aquatic organisms and fish, particularly those forms of importance to industry. These duties require a working knowledge of the basic principles, concepts and terminology of aquatic biology, economic biology, fish conservation and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in biological science including 6 semester hours in the biology of aquatic organisms.

(ii) Courses in biology in a college or university of recognized standing consisting of lectures and recitations totaling 30 semester hours in biology, including at least 6 semester hours in the biology of aquatic organisms; plus additional appropriate experience or education which when combined with the 30 semester hours in biology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in aquatic biology or closely related fields.

Research experience in aquatic biology or related fields.

Other work in aquatic biology of a professional nature.

(15) *Biologist (Wildlife).* Wildlife biologists will assist in the performance of research or other scientific or professional work in the investigation of the distribution, habits, life history and classification of birds, mammals and other animal life and their relation to agriculture and other interests. These duties require a working knowledge of the basic

principles, concepts and terminology of zoology and botany.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in biology including at least 10 semester hours in zoology;

(ii) Courses in biology in a college or university of recognized standing consisting of lectures, recitations and laboratory work, totaling 30 semester hours of which at least 10 must have been in zoology and 10 in botany; plus additional appropriate experience or education which when combined with the 30 semester hours in biology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical laboratory work in biology dealing with some phase of wildlife.

Responsible experience in the field in making surveys of wildlife habits and foods.

(16) *Botanist*. Botanists will assist the planning and execution of field and laboratory work in botanical research or other scientific or professional work in the field of botany, including the making of observations, and the collection, examination and statistical analysis of data. They will assist in identification and description of plants and seeds, and the investigation of their distribution, habits of growth and economic value. These duties require a working knowledge of the basic principles, concepts and terminology of botany.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in botany.

(ii) Courses in botany in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate experience which when combined with the 20 semester hours in botany will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provides a means of obtaining a working knowledge of the theory and application of the scientific principles of a botanical science.

Experience in abstracting, editing, or translating reports or scientific literature in botany or closely related fields. Research experience in botany or related fields.

Work in botany of a professional grade, such as described in the typical duties of the positions to be filled from this examination.

Teaching botany.

(17) *Dairy husbandman*. Dairy husbandmen will assist in research or other

professional or scientific work in the breeding, nutrition and management of dairy cattle. These duties require a working knowledge of the basic principles, concepts and terminology of dairy husbandry, dairy animal nutrition and animal production.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy husbandry, or in animal husbandry including at least one course in dairy husbandry.

(ii) Courses in dairy husbandry and animal husbandry in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the 20 hours in dairy and animal husbandry will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience in the breeding, nutrition and management of a large pure bred or commercial dairy herd.

Responsible experience in the breeding, nutrition and management of a college or experiment station dairy herd.

(18) *Dairy manufacturing specialist*. Dairy manufacturing specialists will assist in performing research or other professional or scientific work in the development and introduction of improved methods in the manufacture or processing of milk and milk products. These duties require a working knowledge of the principles, concepts and terminology of dairy practice, milk testing, the manufacture of dairy products, and dairy economics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy manufacturing, or;

(ii) Courses in dairy manufacturing in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling not less than 20 semester hours plus additional appropriate experience or education which when combined with the 20 semester hours in dairy manufacturing will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience in the following:

Laboratory analysis and research of milk and milk products.

State or municipal inspection of creameries.

Butter maker, cheese maker, ice cream maker or processor of whole milk in a large commercial milk plant.

(19) *Entomologist*. Entomologists will assist in field and laboratory research or other scientific or professional work on the control of insects affecting crops or on the utilization of beneficial insects. They will make field collections and tentative identifications of insects, breed and care for insects under laboratory conditions; test fumigants and other insecticides, apply treatments and assemble and summarize results in report form. These duties require a working knowledge of the basic principles, concepts and terminology of zoology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in entomology or in zoology including at least one course in entomology; or

(ii) Courses in entomology or in entomology and zoology combined in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate education or experience which when combined with the 20 semester hours in entomology or entomology and zoology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in entomology and closely related fields.

Research experience in entomology or related fields.

Work in entomology of a professional nature.

(20) *Farm management supervisor*. Farm management supervisors advise on or perform technical or other professional work in the field of farm management involving the extension of credit and the supervision of operators of family type farms. The duties of this position require a practical working knowledge of the basic principles, concepts and terminology of farm management, farm credit, and crop and livestock management.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in farm management; in other fields within agricultural economics, in agronomy, animal husbandry, agricultural engineering, horticulture, agricultural education, or in general agriculture; or

(ii) A total of 40 semester hours including at least one course in farm management and the balance of the semester hours in at least three of the following groups: (a) Agricultural economics; (b) soils; (c) crops; (d) animal, dairy, or poultry husbandry; (e)

feeds and feeding or animal nutrition; (f) agricultural engineering.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical experience in the fields of rural rehabilitation work, vocational agriculture, soil conservation or agricultural extension.

Experience involving responsibility for the operation or management of a farm.

(21) *Geneticist*. Geneticists will assist in research or other scientific or professional work in the field of plant or animal genetics, including breeding programs and investigation of the inheritance of economically important characteristics such as yield and resistance to disease and insects, and other similar activities. They will assist in related cytogenetical and cytotaxonomic studies. These duties require a working knowledge of the basic principles, concepts and terminology of genetics in relation to plant and animal breeding.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in a biological science with six semester hours in genetics including cytogenetics.

(ii) Courses in biological science with a minimum of six semester hours in genetics and cytogenetics in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the prescribed 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in genetics or closely related fields.

Research experiences in genetics or related fields.

Work in genetics of a professional nature.

(22) *Home economist*. Home economists perform research or other scientific or professional work in the field of home economics. They will provide homemaking education and guidance to farm families; perform laboratory research in one or more specialized areas of home economics; carry on statistical or economic studies of family economics, food consumption, or nutritional status. These duties require a working knowledge of the principles, concept and terminology of home economics, home management, family economic problems, foods and nutrition, textiles and clothing, economics, sociology and statistics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a degree with a major in home economics; or

(ii) Courses in home economics in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 24 semester hours plus additional appropriate education or experience which when combined with the 24 semester hours in home economics will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted as meeting the 4-year requirement:

Teaching home economics.

Experience as a laboratory assistant in a research laboratory engaged in research related to the field of home economics.

Experience as the supervisor of a quantity food service.

Participation in statistical or economic research related to the field of home economics.

Technical experience in home demonstration work with farm families.

(23) *Horticulturist*. Horticulturists will assist in the performance of research or other scientific or professional work in horticulture, including the collection examinations and statistical analysis of data and the introduction and testing of fruits, vegetables and ornamental plants. The duties of this position require a working knowledge of the basic principles, concepts and terminology of horticulture, plant science and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in horticulture (olericulture, pomology or floriculture).

(ii) Courses in horticulture, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 10 semester hours and at least 10 semester hours in plant sciences including plant physiology; plus additional appropriate education or experience which when combined with the 20 semester hours in horticulture and plant science will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory or field work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in horticulture or closely related fields.

Research experience in horticulture or related fields.

Work in horticulture of a professional nature.

(24) *Plant pathologist*. Plant pathologists will assist in the performance of

research or other scientific or professional work in the field of plant pathology, including investigations of the cause, characteristics, and control, or prevalence and distribution of specific plant diseases and their relation to planting, cultivation, transportation, and storage methods. The duties of this position require a working knowledge of the basic principles, concepts and terminology of botany, plant science, and plant pathology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in botany or plant science including at least 10 semester hours in plant pathology.

(ii) Courses in botany or plant science totaling at least 20 semester hours with a minimum of 10 semester hours of plant pathology in a college or university of recognized standing consisting of lectures, recitations and laboratory work plus additional appropriate experience or education which when combined with the 20 semester hours prescribed will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in plant pathology or closely related fields.

Research experience in plant pathology or related fields.

Work in plant pathology of a professional grade, such as described in the duties of the positions to be filled from this examination.

(25) *Plant physiologist*. Plant physiologists will assist in the performance of research or other scientific or professional work in plant physiology, including studies of the effect of toxic substances, soil and nutritional conditions upon plant growth and maturity and of conditions affecting the storage life of fruits and vegetables. The duties of this position require a working knowledge of the principles, concepts and terminology of botany, plant science and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in botany or plant science with a minimum of 10 semester hours of plant physiology.

(ii) Courses in plant science totaling at least 20 semester hours including at least 10 semester hours of plant physiology in a college or university of recognized standing consisting of lectures, recitations and laboratory work; plus additional appropriate education or experience which when combined with the 20 semester hours in plant science will

total 4 years of education or experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in plant physiology or closely related fields.

Research experience in plant physiology or related fields.

Work in plant physiology of a professional grade, such as described in the duties of the positions to be filled from this examination.

(26) *Poultry husbandman*. Poultry husbandmen will assist in research or other professional or scientific work in the care, breeding and feeding of poultry and in the investigation of the effect of environment on poultry products. The duties of this position require a working knowledge of the principles, concepts and terminology of animal husbandry, poultry husbandry, animal nutrition, and animal breeding.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a degree with a major in poultry husbandry or in animal husbandry including at least one course in poultry husbandry; or,

(ii) Courses in poultry husbandry or poultry husbandry and animal husbandry combined, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling 20 semester hours plus additional appropriate education or experience which when combined with the prescribed courses will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience with an experimental poultry flock.

Responsible experience with a large commercial poultry flock or hatchery.

(27) *Soil conservationist*. Soil conservationists advise on or perform technical or other professional and scientific work in the field of soil conservation, involving farm planning and soil or water conservation practices. The duties of this position require a practical working knowledge of the basic principles, concepts and terminology of water conservation, sound land use, and control and prevention of soil erosion.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in soil conservation or one of the other agricultural sciences; or,

(ii) Courses in soil conservation or one of the other related agricultural

sciences acceptable toward a degree in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 40 semester hours, including at least one course in each of the following groups: (a) soils or soil conservation; (b) woodland management, plant ecology or economic biology; (c) farm crops and pasture management; (d) feeds and feeding or animal nutrition; (e) farm or range management or agricultural economics; (f) farm drainage, hydraulics, hydrology or plane surveying; plus additional appropriate experience or education which when combined with the 40 semester hours will total 4 years of education or experience and give the applicant the substantial equivalent of a 4-year college course in agricultural science.

Applicants for positions in range country must show at least one course in range management.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical experience in the fields of soil conservation, agricultural extension or rural rehabilitation work.

(28) *Soil scientist*. Soil scientists will assist in research or other scientific or professional work in the field of soil science including making soil classification surveys, recommending soil management treatments; assuming major responsibility for elementary soil tests and analyses. The duties of this position require a working knowledge of the basic principles, concepts and terminology of soil science.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in soils or closely related subjects (agronomy, physical geography, geology (not economic)); or,

(ii) Courses in soils or closely related subjects (agronomy, physical geography, geology (not economic)), in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education which when combined with the 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year course.

The following are types of qualifying experience which will be acceptable in combination with education to complete the 4-year requirement:

Responsible experience with a soil survey crew.

Responsible experience in a soils laboratory.

Teaching experience in soils.

(29) *Zoologist (Parasitology)*. Zoologists will assist in performing research or other professional or scientific work in the field or laboratory relating to parasites and parasitic diseases of domestic animals, fur-bearing animals and poultry. The duties of this position require a working knowledge of the basic principles, concepts and terminology of zoology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in zoology including at least one course in parasitology; or,

(ii) Courses in zoology and parasitology, in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the prescribed 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

Applicants must show at least one course in parasitology or 6 months' technical experience working with animal parasites.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional grade laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles involved in operations of a zoological laboratory.

Research or technical experience in parasitology or closely related fields.

(b) *Restriction of certification for highly technical positions*. For positions involving highly technical research, design or development, or similar functions, certification may be restricted to eligibles who show the successful completion of a full college course in the appropriate option.

(c) *Duties*. The options selected for the current Junior Professional Assistant examination are of highly specialized nature, having to do with original research, design or development or other functions of comparable scope or difficulty.

Appointees perform professional work in the appropriate specialized field or option in connection with (1) the study, collection, investigation, classification, analysis, preservation and interpretation of data, documents, exhibits or publications in one or more of the social or physical sciences, or (2) a wide variety of projects requiring the use or development of technical equipment, laboratory apparatus, chemical compounds and solutions, other scientific instruments, or research methods and devices.

(d) *Knowledge and training requisite for performance of duties*. The Junior Professional Assistant positions are at the entrance level to a career in the scientific and professional service. Appointees must have an understanding of the fundamental important basic principles, methods and skills required in the appropriate scientific or professional field, and they must be equipped with considerable specialized knowledge if they are to deal in an effective manner with the varied and diversified problems to be encountered. This may only be obtained through instruction and training where an adequate comprehensive and preferably an exceptional background and foundation in the appropriate science

tific or professional field is furnished. A thorough knowledge of the literature of the scientific or professional field is essential together with the ability to understand and make use of that which has been written. Incumbents must, to a marked degree, be fitted to advance into more responsible, more technical and more exacting positions.

(e) *Method of obtaining basic knowledge and training.* The professional and scientific knowledge and training, of the level and extent required for the proper performance of these duties, can be obtained only by attending and completing major study in the appropriate option at a college or university of recognized standing, where a full staff of competent instructors and adequate library, laboratory and other research facilities are available and where suitable standards regarding completeness of program and attainment of proficiency may be enforced.

§ 24.39 *Mathematician P-2 through P-8 where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties—(a) Educational requirement.* The successful completion of a four-year course in a college or university of recognized standing leading to a bachelor's degree in mathematics. This study must have included courses in mathematics consisting of lectures and recitations totaling at least 24 semester hours and in addition courses in the physical sciences (engineering, physics, geology, astronomy, chemistry, etc.) totaling 12 semester hours. The courses must have included analytical geometry, differential calculus, integral calculus and in addition any 3 of the following: Theory of Equations, Vector Analysis, Statistics, Higher Algebra (beyond elementary college algebra), Differential Equations, Advanced Differential Calculus, Advanced Integral Calculus.

(b) *Duties.* The duties of the P-2 to P-8 mathematician are: performing, conducting, planning, or directing mathematical work involving calculations and computations incident to investigative, developmental and research work in the scientific fields such as engineering, physics, astronomy, etc.; collecting, examining and interpreting scientific data; coordinating assignments and programs; planning mathematical procedures for scientific field trips; preparing reports and manuals, and editing or preparing articles for publication.

Those positions requiring the successful completion of four years of college or university training are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of mathematics and related sciences and having for its objective the development of new or improved methods of analysis, the development or extension of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex mathematical laws and facts to the development of new techniques or devices.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the mathematical principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, and general welfare is apparent. The Congress of the United States has recognized the vital necessity for such scientific research and developmental work and has authorized through appropriations the spending of large sums of money for varied and important research programs. These programs are carried on by the various departments and agencies of the Federal government and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences during World War II have been outstanding and of major importance. Especially in the fields of physical science and of engineering have these advances been dependent upon and interrelated to mathematics in all its branches. Mathematics is an indispensable tool in expressing basic laws and concepts in these fields, in interpreting experimental data, in extending old or establishing new concepts of matter and energy, and in establishing basic hypotheses for experimental work in new fields. Further advances in the physical sciences and in engineering will depend on the number of highly qualified and properly trained mathematicians who are competent to explore from a mathematical standpoint the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated mathematical computations in a specialized field must of necessity possess the fundamental knowledge characteristic of mathematics and in addition that of pertinent allied fields in order that they may successfully attack complex problems.

Private industry requiring mathematicians for research positions has long recognized the necessity for broadly trained men for professional mathematics positions who are well grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in mathematics and, in many cases, a higher degree with specialization in a particular field is demanded.

(d) *Method of obtaining the basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional research work in the field of mathematics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance are available, where

courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.40 *Instructor, Meteorology P-2 through P-5—(a) Educational requirement.* All applicants must have successfully completed a resident course of study in Weather Forecasting Theory at a military school or college, or a curriculum of study which included or has been supplemented by at least 20 semester hours of study consisting of laboratory work in synoptic meteorology and forecasting, and fundamental courses in synoptic and dynamic meteorology at a college or university of recognized standing.

(b) *Duties.* With varying degrees of responsibility commensurate with the grades indicated, to instruct military personnel in one or more of the following subjects: Surface Charts and Weather Forecasting, Auxiliary Charts and Diagrams, Air Mass Analysis, Synoptic Meteorology, Dynamic Meteorology, Limited Data Analysis, World Geography and Climatology, Extended and Long Range Forecasting, Weather Station Operation, Staff Weather Subjects, Oceanography, Applied Micro-Meteorology, Tropical Meteorology, Anomalous Radar Propagation, In-Flight Weather Observation, and other related subjects, in accordance with a definite instructional program, or prescribed course of study; to prepare or assist in preparing material for instruction; and to perform related duties as assigned.

(c) *Knowledge and training requisite for performance of duties.* The advances in the field of meteorology have been largely the result of the application of the laws and concepts of the physical sciences to the solution of the problems of meteorology. A knowledge of the pertinent physical sciences is indispensable in interpreting observational data, in designing and improving the instruments used in making scientific observations, and in extending old or developing new concepts and theories used in forecasting weather. Further advances in meteorology must depend on the number of highly qualified and properly trained meteorologists who are competent to explore the field and make further applications of the new developments in the physical sciences to the science of meteorology. Instructors, therefore, must be fully qualified to teach such technical subjects to those who will be engaged in gathering and interpreting meteorological data.

In order to perform successfully these Instructor duties the applicant must have a knowledge and training in weather forecasting at the full professional level. This knowledge and training can be obtained in either of the following ways: (1) Through four years of experience in meteorology at either a professional or subprofessional level supplemented by the successful completion of a resident course in Weather Forecasting Theory, or (2) Through the successful completion of a four year college course with

a major in the physical sciences such as physics, meteorology, mathematics, chemistry, or engineering, including or supplemented by the successful completion of a course of training in Weather Forecasting Theory.

It is not believed that a knowledge of weather forecasting at the full professional level can be acquired without at least some formal training at the professional level. In order to complete a course in Weather Forecasting Theory a knowledge of physics and mathematics is necessary. The necessary background to weather forecasting cannot be obtained without at least some formal educational training in these subjects.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)-(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional work in the field of meteorology. The only method by which such professional knowledge and training may be acquired is by attending a college or military school or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.41 *Human Biologist, P-7—(a) Educational requirement.* Applicants must show the successful completion of a full college course in a college or university of recognized standing with courses totaling at least 20 semester hours credit in either (1) physiology or, (2) a combination of biophysics, biochemistry and physiology which includes at least 10 semester hours credit in physiology.

(b) *Duties.* The human biologist plans, directs and coordinates research programs in environmental biology to determine the kind and degree of man's physiological responses to all variations of environmental stresses to which he may be subjected upon a world wide scale as these responses are related to his protection against or adaptation to such stresses. Directs the activities of scientists, working principally in research in biophysics, biochemistry, physiology and anthropology to determine man's physiological responses to varying kinds and degrees of environment and how these are modified by such factors as occupation, racial background, anthropological type, age, preconditioning to extreme environmental changes, mental attitudes, etc., to determine the capacities and limitations of the human body in coping with adverse environments, the causes and effects of the environment upon man and possible compensations. Coordinates research programs under his direction within those being conducted elsewhere within the organization to determine the clothing, clothing assemblies, and other specialized types of equipment which will provide maximum protection against and resistance to destructive environmental forces and to analyze and evaluate the elements of environment and develop formula for their correlation with the

physical and human biological problems being studied.

(c) *Knowledge and training requisite for performance of duties.* The duties of this position call for research in environmental effects on a much greater scale than has been done previously. The incumbent of the position must have a broad, extensive background in physiology or in a combination of physiology, biology, biochemistry and biophysics. The training must have been such as to demonstrate ability to develop and direct research programs of sound, practical scope.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)-(c) of this section contain statements of the minimum knowledge and training required to carry on successfully the duties of the position. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.42 *U. S. Coast Guard Academy—(a) Instructor of Electrical Engineering, P-4—(1) Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree in engineering or physics in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in electrical engineering including alternating and direct current machines and circuits and engineering electronics. Under the supervision of the head of the engineering department he will prepare daily assignments, using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom and laboratory instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in education methods so that cadets may receive a knowledge of fundamental concepts and techniques in electrical engineering and develop analytical ability which will enable them to perform the duties of commissioned officers of the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Electrical Engineering P-4 is the same as the justification for Teacher, All Grades (see § 24.12).

(b) *Instructor of Mathematics, P-4—(1)—Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree with study in mathematics or civil engineering in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in mathematics and surveying and related subjects including plane and spherical trigonometry, analytical geometry, plane and hy-

drographic surveying, differential and integral calculus and analytical mechanics. Under the supervision of the heads of the departments of mathematics and civil engineering he will prepare daily assignments using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in educational methods so that cadets may receive a knowledge of fundamental concepts and techniques and develop analytical ability which will enable them to perform the duties of commissioned officers in the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Mathematics, P-4 is the same as the justification for Teacher, All Grades (see § 24.12).

§ 24.43 *Archeologist, P-1 to P-4—(a) Educational requirement.* (1) Applicants must have completed a four-year course of study in a college or university of recognized standing, including or supplemented by 20 semester hours in anthropology including courses that are acceptable toward a major in anthropology. At least one course in American archeology is required and the training must also have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist, or

(2) Applicants must have completed 20 semester hours in anthropology including courses that are acceptable toward a major in anthropology. At least one course in American archeology is required. In addition, they must have had three years of education or appropriate experience which when combined with the specialized study described above will give them the equivalent of a four-year college course. This education or experience must have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist.

(b) *Duties.* Archeological positions in the Federal service are highly specialized. They involve technical aspects of archeological excavations, collection of museum specimens, and dissemination of information in the archeological field. They also involve the coordination of archeological research with various educational programs. Specific duties performed by archeologists include: Archeological excavations, repair and stabilization of ruins, classification and cataloging museum specimens, preparation of reports on archeological subjects, performance of research in archeological problems, and coordination of the activities of the Federal agency with the efforts of Federal, state, and local organizations interested in preservation of important archeological and historical areas.

(c) *Knowledge and training requisite for the performance of duties.* In order to preserve, care for, and interpret the archeological resources of the nation, the archeologist must have a thorough

knowledge of archeology and related fields and an understanding of field and laboratory research. The archeologist, in order to perform professional duties satisfactorily, must have a knowledge of all technical aspects of the work. He must be able to secure and present to Federal agencies and to the American public authentic and usable information concerning archeological resources.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a professional archeologist is through training secured in a college or university of recognized standing. The necessary knowledge cannot be gained simply through experience, but requires formal training in method, and formal and comprehensive review under supervision of the principal reports in the field of American Archeology. It also requires specialized and supervised examination of collections of artifacts only available in institutions of learning where courses in the subject are regularly given. Unless an archeologist is properly trained he may do irreparable damage to the resources under consideration.

§ 24.44 *Psychologist (Personal Counselor), P-4, Veterans Administration—*

(a) *Educational requirement.* Applicants must have successfully completed the following courses in a college or university of recognized standing:

(1) Two courses in abnormal psychology, clinical psychology, mental hygiene, psychopathology, personality or psychology of adjustment.

(2) One course in clinical techniques including individual testing, interviewing, or the case-study method.

(3) One course in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude) or statistics (psychological or educational).

(4) A total of six additional courses composed of any combination of the courses mentioned above and courses in human biology, neurology, physiological psychology and general, experimental, child, adolescent, social, animal, systematic or industrial psychology.

Completion of all requirements for the Ph. D. degree in psychology except for a thesis will be accepted as meeting this minimum educational requirement.

(b) *Duties.* Psychologists (Personal Counselor) counsel veterans who during the utilization of Veterans' Administration services for the selection of a vocational objective or in the course of vocational training have personal problems which interfere in their successful vocational rehabilitation. Psychologists (Personal Counselor) confer with Vocational Advisers and Vocational Rehabilitation Training Officers in furthering the vocation rehabilitation of veterans with maladjustments; assist veterans with personal and social maladjustments, using the appropriate therapeutic techniques, with the aim of eliminating their difficulties wherever possible; detect those veterans with serious mental or emotional disturbances and refer them to Veterans Administration Mental Hy-

giene Clinics or authorized private mental hygiene clinics.

(c) *Knowledge and training requisite for performance of duties.* In order to adequately counsel maladjusted veterans, the Psychologist (Personal Counselor) must have had a specialized technical background of education and experience in the field of psychology. This background should have provided a thorough knowledge of the principles underlying behavior and of psychological and counseling techniques. The Psychologist (Personal Counselor) must possess such technical knowledge in order that he may counsel veterans in the effort to eliminate the problems which have been blocking their vocational adjustment, thereby assisting in their total rehabilitation. Since Psychologists (Personal Counselor) function without professional direction from psychiatrists, they must have sound preparation which will enable them to make decisions as to which maladjusted veterans, had they not been forced into difficult military or combat situations, would have adjusted to civilian situations with a minimum of difficulty and which ones, because of the serious nature of their social and personal problems, should be referred to mental hygiene clinics for more intensive and extensive treatment.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge and skills required to perform the duties of this position is through the training given at recognized colleges and universities. Through such training, under instructors having extensive specialized training, the student is able to acquire a knowledge of psychological principles and techniques. Under close professional supervision, he learns the psychological techniques appropriate for dealing with the various types of maladjusted individuals either through close observation of, or actual practice with, clinical cases or through study of a wealth of clinical case material. Such scientific knowledge and skill cannot be acquired and integrated through individual study because the necessary supervision and facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subjects.

§ 24.45 *Metallurgist positions (P-2 through P-8) involving highly complicated or fundamental scientific research or similar difficult scientific duties—*(a) *Educational requirement.* Certification for these positions will be restricted to those eligibles who show the successful completion of a four-year course in a college or university of recognized standing, leading to a bachelor's degree in metallurgy or metallurgical engineering. This study must have included courses in metallurgical subjects consisting of lectures, recitations, and practical laboratory work totaling at least 20 semester hours.

(b) *Duties.* The duties of these positions are as follows:

(1) Critical investigative work requiring a sound knowledge of the fundamen-

tal principles, theories, practices, and terminology of metallurgy and related sciences and having for its objective the development or extension of new theories or principles, or a new interpretation of known facts leading to a revision of accepted theories and practices.

(2) The application of the known laws and facts of the physical sciences and principles of metallurgy to the development of new processes or products.

(3) The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the metallurgical principles, practices, and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The advances in metallurgy have been dependent upon and related to the advances made in the various physical sciences. A knowledge of the principles and theories of metallurgy and of the related physical sciences, particularly physics and chemistry, is indispensable in formulating new concepts in metallurgy, in interpreting experimental data, in establishing new processes, and in developing new products. Further advances in metallurgy will be dependent upon the number of highly qualified and properly trained metallurgists who are competent to explore the field and are able to bring new scientific knowledge or established scientific concepts to bear on the problems met in research. Consequently those engaged in highly complicated fundamental research or similar difficult scientific duties in metallurgy must of necessity possess a fundamental knowledge of metallurgy, chemistry, physics, mathematics, and in addition that of pertinent allied fields in order that they may successfully attack complex problems.

Private industry using metallurgists for research positions has long recognized the necessity for broadly trained men for professional metallurgist positions who are well grounded in the fundamentals of the related sciences. They are required to have education represented by at least the attainment of a Bachelor's degree in metallurgy, and in many cases, a higher degree with specialization in a particular field is demanded.

(d) *Method of obtaining basic knowledge and training.* The above are statements of the minimum knowledge and training required to carry on successfully professional research work in the field of metallurgy. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule, and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.46 *Engineer Trainee, Bureau of Reclamation, SP-4, SP-5—*(a) *Educational requirement.* Applicants must

have successfully completed two years of a standard professional engineering curriculum leading to a bachelor's degree in engineering, in a college or university of recognized standing.

(b) *Duties.* The duties of an engineer trainee will consist of a combination of on-the-job training in one of the branches of engineering by the Bureau of Reclamation, and scholastic training in the last two years of a college engineering curriculum in a college or university designated by the Bureau of Reclamation. Upon successful completion of the program, trainees will be considered for advancement to the professional engineering service in the Bureau of Reclamation.

(c) *Justification for educational requirement.* Since the duties of the position are twofold—to perform actual engineering work while in training, and to pursue academic studies in the last two years of a college engineering curriculum in order to attain the capacity needed to perform successfully duties at the professional engineering level in the Bureau of Reclamation—applicants must have the education specified in order to be qualified to enroll in the third year of a standard college engineering curriculum in a college or university designated by the Bureau of Reclamation.

§ 24.47 *Geologist positions involving highly complicated or fundamental scientific research or similar difficult scientific duties—(a) Educational requirement.* For geologist positions involving highly complicated or fundamental scientific research or similar difficult scientific duties certification may be restricted to those eligibles who show the successful completion of a four-year course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 30 semester hours of geology.

(b) *Duties.* These positions requiring the successful completion of four years of college or university training in geology are characterized as follows:

Critical investigative work, requiring a sound knowledge of the fundamental laws, theories, principles, terminology and literature of geology and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts in the solution of difficult geologic problems.

The coordination, as a project leader, of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* In the steady advance of scientific knowledge, geology has played a prominent role, and of necessity it must keep pace with the other sciences for it is concerned with the natural occurrence of the raw materials

used in many of the other sciences and in a variety of industrial processes. New deposits of coal, oil, gas, the metallic ores, the rare earths, radioactive substances, and the other minerals of economic importance are all located, studied, mapped, and evaluated by geologists. No longer can we expect many valuable deposits to be stumbled upon by scientifically untrained prospectors. It is to the trained geologist, well versed in the principles, not only of geology, but also of the allied sciences, and using the latest knowledge, techniques and instruments, that we must turn for help in wresting from the earth the materials which lie hidden beneath her surface.

Geology is concerned with much more than the discovery and extraction of mineral wealth. A knowledge of its principles is vital to the successful building of dams, bridges, and other structures, and also to the protecting and conserving of our agricultural soil and our water supplies.

In addition, geology has the philosophical objective of adding to the sum of human knowledge by producing as complete a history of the earth as possible. This knowledge, contained in the geologic fields or stratigraphy, paleontology, petrology, structural geology, sedimentation, geomorphology, glaciology, and vulcanology, has been derived largely, and will continue to be derived largely, by geologists in government service, both state and Federal. The quality and quantity of results obtained through geologic research is commensurate with the knowledge and training of the men engaged. With the store of information accumulated not only in the various fields of geology but also in the related sciences growing steadily larger, it becomes more and more imperative that the professional geologist have the broad background of knowledge that can be acquired only through the successful completion of a large number of formal courses in geology.

Private industry engaged in geological work has long recognized the necessity for broadly trained men well rounded in the fundamentals of the science for filling professional positions. They are required to have education represented by at least the attainment of a bachelor's degree in geology. The Federal Government cannot afford to be less stringent in its requirements, as the duties of its positions require the best talent available in order that its work may not lag behind that of other nations.

(d) *Method of obtaining basic knowledge and training.* The only method by which the knowledge and training required can be obtained is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

CROSS REFERENCE: For justification for educational requirement for geologist positions other than those involving highly complicated or fundamental scientific research or similar difficult scientific duties, see § 24.31.

§ 24.48 *Medical bacteriologist, P-1 through P-8—(a) Educational requirement.* Applicant for all grades must have successfully completed four years of study leading to a bachelor's degree in a recognized college or university, with at least twenty semester hours of credit in either general or medical bacteriology.

(b) *Duties.* Appointees perform bacteriological work, chiefly in two fields: Clinical laboratory diagnostic procedures and research.

Clinical laboratory diagnostic procedures: Appointees examine and direct the examination of cultures isolated from humans and animals suffering from infectious disease; prepare vaccines or other substances designed for therapeutic use; prepare or direct the preparation of ordinary and special culture media; conduct and interpret sero-diagnostic tests such as the Wassermann or Kahn tests; and other technical bacteriological work.

As an example of work performed, bacteriologists obtain cultures from patients such as smears from infected areas or blood specimens, etc., sub-culture the organisms obtained from the original culture and identify the disease-producing organisms; prepare from cultures obtained from patients vaccines of specific organisms as ordered by the physician in charge of the patient; prepare or direct the preparation of re-agents for sero-diagnostic tests such as the Wassermann test, including antigen, complement, hemolytic amboceptor, red-cell suspension, and titration of hemolytic sera, testing of body fluids such as blood serum and cerebro-spinal fluid; and the reading and reporting of the results of the test. Appointees perform other bacteriological or diagnostic tests as specified by the physician in charge. On the basis of the laboratory report the physician may determine the patient's disease and prescribe treatment.

Research: Appointees conduct advanced research upon the bacteria and viruses causing diseases in men and in some cases in animals. This includes the study of cultures isolated from infected humans and animals, and the inoculation and examination of experimental animals. Research is also conducted in the improvement of methods used to standardize biological preparations intended for human use and to design new methods of bacteriological technique. Appointees may also conduct research in the study of diseases, the causative organisms of which have not yet been identified and attempt to isolate the organism. Appointees also conduct research in the preparation of special culture media to promote more accurate and easier identification of pathogenic organisms. The results of this research are reported in publications and professional papers and may influence Federal, state, or city public health programs.

(c) *Knowledge and training requisite for performance of duties.* Medical bacteriology has advanced markedly during the last two decades. The principles of bacteriology, including understanding of the methods used in the identification of pathogenic organisms, have progressed to

such extent that this knowledge can no longer be obtained by experience alone, but must be obtained through intensive courses of study of college level grade. The methods used may be very complicated, such as in sero-diagnostic procedures, which require detailed courses of study of the procedures involved in order to properly combine re-agents and to interpret the resulting reactions. The theories determining combinations and reactions of re-agents must be thoroughly understood in order to make proper combinations or variations of combinations; otherwise, the results will be inaccurate and conclusions drawn as a result of the test may lead to the faulty diagnosis of the disease by the patient's physician. A faulty report from the clinical laboratory of the results of an examination by a bacteriologist who, because of inadequate knowledge and training, has improperly isolated and identified bacteria, may prevent the patient's physician from determining the patient's disease with possible loss of life, crippling after-effects, prolonged unnecessary treatments, or widespreading of a contagious disease.

The field of bacteriology is now so broad and many of the methods used are so technical or complicated that the only source where an individual can learn all phases of bacteriology is in recognized colleges or universities which have been adequately investigated to determine whether their courses include all phases of the work which an individual should know, whether the equipment is adequate, and the instructing staff is of caliber sufficient to give the individual a well balanced knowledge of bacteriology.

(d) *Method of obtaining basic knowledge and training.* The technical knowledge required for the performance of these duties can be obtained only by attending and completing the full four-year course of study in a recognized college or university leading to a bachelor's degree, with at least twenty semester hours' credit in bacteriology.

The Veterans' Administration has adopted these education qualifications as a basic requirement for bacteriologist in that Administration. Variations between the grades will be determined by appropriate experience in addition to the special education. Since positions of bacteriologist in other Federal departments and agencies are similar in scope and difficulty to those of the Veterans' Administration, the same basic requirements should apply uniformly to all positions as bacteriologist in the Federal Government.

§ 24.49 *Medical serologist, P-1 through P-8*—(a) *Educational requirement.* Applicants for all grades must have successfully completed four years of study leading to a bachelor's degree in a recognized college or university, with at least twenty semester hours in serology or in general or medical bacteriology.

(b) *Duties.* Appointees perform serological and related bacteriological work in two chief fields: Clinical laboratory diagnosis and research. This work involves a detailed knowledge of the funda-

mental principles of serology and bacteriology and the related sciences; and the ability to apply them to laboratory methods.

Examples of the work: Clinical laboratory diagnosis: Appointees, through the use of sero-diagnostic tests, such as Widal tests, precipitin tests, and complement fixation tests, aid in the identification of disease production organisms in men and animals. On the basis of the laboratory report the patient's physician determines the patient's disease and prescribes treatment accordingly.

Research: In the field of research, serological procedures are originated or modified; the results are interpreted; new methods of identification of disease by means of sera may be devised. As results of these tests prophylactic sera may be prepared and/or modification made of the methods of preparing sera.

(c) *Knowledge and training requisite for performance of duties.* Serology includes the study of the various sera of the human and animal body in health and disease and the diagnosis of disease from the application of these studies to clinical laboratory procedures in the hospital or physician's laboratory. Serological methods and prophylactic sera have constantly been changed or modified during the last two decades. New sera have been developed and research is constantly being conducted in methods of employing present sera and to obtain sera for diseases for which no special treatment has previously been devised. Proper application of laboratory methods is dependent upon the theories leading to the development of specific procedures. Procedures for diagnosis must be varied to specific conditions and for specific disease producing organisms. The methods may be very complicated and the results are dependent upon variable factors in the procedures.

In a clinical laboratory a faulty understanding of theories may lead to improper procedures with resultant faulty reports to the physician in charge of the patient. This may materially complicate the diagnosis of a patient's disease and mislead the physician. As an example, a faulty laboratory report may cause the physician to diagnose a condition as syphilis with resultant unnecessary treatment of the patient for a long period.

The field is so broad that the only source where the applicant can adequately learn all phases of serology and all subjects related to serology is in a college or university maintaining adequate specialized laboratory equipment, adequate resources, and well qualified instructors. Serology is included in all courses in general medical bacteriology. However, serology may also be taken as a separate course. Thorough supervised training is necessary in order that the individual may properly apply and interpret procedures in serology, and in order that the individual may not perform mechanically in a laboratory with inability to recognize variable factors leading to faulty interpretation of results.

(d) *Method of obtaining basic knowledge and training.* The technical knowledge required for the performance of these duties can be obtained only by

attending and completing a full four-year course in a recognized college or university leading to a bachelor's degree, with at least twenty semester hours' credit in serology or bacteriology.

The Veterans' Administration has established these qualifications as a basic requirement for positions as serologist in the Veterans' Administration. Variations between grades will be determined by appropriate experience, in addition to this basic education. Since positions of serologist in other departments and agencies of the Federal Government are similar in scope and difficulty to those of the Veterans' Administration, the same basic requirements should apply uniformly to all positions as serologist in the Federal Government.

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

SUBPART A—OVERTIME PAY REGULATIONS

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NIGHT WORK AND PAYMENT OF NIGHT DIFFERENTIAL

- 25.331 Night pay differential authorized.
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SUBPART D—REGULATIONS GOVERNING PAY FOR HOLIDAY DUTY

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SUBPART E—REGULATIONS FOR GRANTING ADDITIONAL WITHIN-GRADE SALARY ADVANCEMENTS AS REWARDS FOR SUPERIOR ACCOMPLISHMENT

- 25.501 Extent of regulations; officers and employees to whom this subpart applies.
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25.508 Reports to be furnished to the Commission.

AUTHORITY: §§ 25.101 to 25.508, inclusive, issued under sec. 605, 59 Stat. 304; 5 U. S. C., Sup., 945. Additional authority is noted in parentheses following provisions affected.

SUBPART A—OVERTIME PAY REGULATIONS

EXTENT OF REGULATIONS

§ 25.101 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.102.

§ 25.102 *Employees to whom this subpart does not apply.* This subpart does not apply to:

- (a) Elected officials;
- (b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, except that § 25.143 (d) shall be applicable to such employees whose basic rate of compensation is fixed on an annual or monthly basis;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U. S. C., App., Sup., 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police, and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

DEFINITIONS

§ 25.121 *Basic workweek for full-time officers and employees.* "Basic workweek" for full-time officers and employees means the forty-hour workweek established pursuant to § 25.131.

§ 25.122 *Administrative workweeks.* (a) "Administrative workweek" means a period of seven consecutive calendar days.

(b) "Regularly scheduled administrative workweek" for full-time officers and employees means the period within an administrative workweek, established pursuant to § 25.131, when such officers and employees are required to be on duty regularly.

§ 25.123 *Basic rate of compensation.*

(a) "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work, but inclusive of (1) any salary differential for duty outside the continental United States, or in Alaska, and (2) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1923 (45 Stat. 193, 5 U. S. C. 75a).

(b) Hereafter for all pay computation purposes basic per annum rates of compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic workweeks of forty hours.

§ 25.124 *Irregular or occasional overtime duty.* "Irregular or occasional

overtime duty" means hours of employment not scheduled in the regularly scheduled administrative workweek.

REGULATIONS TO BE PRESCRIBED BY HEADS OF DEPARTMENTS AND AGENCIES

§ 25.131 *Establishment of basic workweek and regularly scheduled administrative workweek.* (a) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, shall, with respect to each group of full-time employees to whom this subpart applies, establish by regulation:

(1) A basic workweek of forty hours in length which shall not extend over more than six of any seven consecutive days. Except as provided in paragraph (b) of this section, such regulation shall specify the calendar days constituting the basic workweek and, for each of such calendar days, the number of hours of employment included within the basic workweek.

(2) A regularly scheduled administrative workweek which shall consist of the forty-hour basic workweek established in accordance with paragraph (a) (1) of this section, plus such period of overtime work as will be regularly required of each group of employees. Except as provided in paragraph (b) of this section, the periods of time included in such regularly scheduled administrative workweek which do not constitute a part of the basic workweek shall be identified by calendar days and by number of hours per day for purposes of leave and overtime pay administration.

(b) Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek may be established as the basic workweek; and all additional hours of officially ordered or approved duty within the administrative workweek shall be treated as overtime.

(c) In the case of employees whose work includes periods during which they are required to remain on duty and render "stand-by service" at or within the confines of their stations, the length of the regularly scheduled administrative workweek, for the purpose of this subpart, shall be the total number of regularly scheduled hours of duty per week, including all such "stand-by" time except that allowed for sleep and meals by regulation of the department or independent establishment, agency, or corporation.

§ 25.132 *Compensatory time off for irregular or occasional overtime duty.* Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may, with respect to officers and employees to whom this subpart applies, prescribe regulations for the granting of compensatory time off from duty, in lieu of overtime compensation, for irregular or occasional duty in excess of forty hours in any administrative workweek, to those per annum employees requesting such compensatory time off from duty.

OVERTIME WORK AND OVERTIME
COMPENSATION

§ 25.141 *Overtime compensation authorized.* (a) Officers or employees to whom this subpart applies shall be paid overtime compensation, computed as provided in § 25.143, for all hours of employment officially ordered or approved in excess of forty hours in any administrative workweek, including irregular or occasional overtime duty.

(b) In accordance with administrative regulations which may be issued pursuant to § 25.132, any per annum employee may request compensatory time off, in lieu of overtime pay, for irregular or occasional duty in excess of forty hours in any administrative workweek. In case no such regulations are issued, or if under such regulations compensatory time off for such irregular or occasional overtime duty is not specifically requested by the employee it shall be paid for in money when due.

(c) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may delegate to any officer or employee authority to order or approve overtime in excess of any that may be included in the regularly scheduled administrative workweek. No such excess overtime shall be ordered or approved except in writing by an officer or employee to whom such authority has been specifically delegated by the head of the department or independent establishment or agency, or Government-owned or controlled corporation.

§ 25.142 *Computation of overtime employment.* The computation of the amount of overtime employment of an officer or employee shall be subject to the following conditions:

(a) *Leave with pay.* Absence from duty on authorized leave with pay under the annual and sick leave acts of March 14, 1936, as amended, during the time when an employee would otherwise have been required to be on duty during the basic workweek (including authorized absence on legal holidays, non-work days established by Executive or administrative order, and days of compensatory time off provided for in §§ 25.132 and 25.141 (b)) shall be considered to be employment and shall not have the effect of reducing the amount of overtime compensation to which the employee may be entitled during an administrative workweek. Leave of absence with pay under the acts cited shall not be charged for any absence which does not occur during the forty hours prescribed as the basic workweek.

(b) *Leave without pay.* For any period of leave-without-pay within an employee's basic 40-hour workweek, an equal period of service performed outside the basic workweek, but during the same administrative workweek, must be substituted and paid for at the rate applicable to his basic workweek, before any remaining periods of service can be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as expressly authorized by law, as in the case of jury duty under the act

of June 29, 1940 (54 Stat. 689), and except to the extent authorized while the employee is in official travel status, no overtime period shall be counted in computing overtime compensation unless the employee performs actual duty during such period or is taking the compensatory time off provided for in §§ 25.131 and 25.141 (b). For employees in official travel status but not performing actual duty, no overtime period shall be paid for at overtime rates unless it falls within the regularly scheduled administrative workweek.

(d) *Night or holiday duty.* Extra holiday compensation paid under Subpart D of this part shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs. Hours of night or holiday duty shall be included in determining for overtime pay purposes the total number of hours of employment within the same administrative workweek. Any extra compensation for night or holiday duty shall not, however, be included in any basic rate in computing overtime compensation under this part.

(e) *Service subject to other overtime statutes.* Overtime services for which overtime compensation is paid under any of the following statutes shall not form a basis for overtime employment under this part: Act of February 13, 1911, as amended (19 U. S. C. 261, 267) involving inspectors, storekeepers, weighers, and other customs officers and employees; act of July 24, 1919 (41 Stat. 241; 7 U. S. C. 394) involving employees engaged in enforcement of Meat Inspection Act; act of June 17, 1930, as amended (19 U. S. C. 1450, 1451, 1452) involving customs officers and employees; act of March 2, 1931 (46 Stat. 1467; 8 U. S. C. 109a and 109b) involving inspectors and employees, Immigration and Naturalization Service; act of May 27, 1936, as amended (52 Stat. 345; 46 U. S. C. 382b) involving local inspectors of steam vessels and assistants, U. S. shipping commissioners, deputies and assistants, and customs officers and employees; act of March 23, 1941 (55 Stat. 46; 47 U. S. C., Sup. 154 (b) (2)) involving certain inspectors of the Federal Communications Commission; act of June 3, 1944 (58 Stat. 269) involving customs officers and employees.

§ 25.143 *Computation of overtime compensation.* (a) For employees whose basic compensation is at a rate less than \$2,980 per annum, the overtime hourly rate shall be one and one-half times the basic hourly rate of compensation: *Provided*, That in computing such overtime compensation for per annum employees, the basic hourly rate of compensation shall be determined by dividing the basic per annum rate by two thousand and eighty (2080).

(b) For employees whose basic compensation is at a rate of \$2,980 per annum or more, the overtime hourly rate shall be in accordance with and in proportion to the following schedule, subject to the limitation contained in paragraph (c) of this section:

Basic rate of compensation per annum:	Overtime rate of compensation per 416 overtime hours
\$2,980.00	\$894.000
\$3,021.00	890.852
\$3,146.40	881.223
\$3,271.80	871.595
\$3,397.20	861.967
\$3,522.60	852.338
\$3,648.00	842.710
\$3,773.40	833.081
\$3,898.80	823.453
\$4,024.20	813.824
\$4,149.60	804.196
\$4,275.00	794.567
\$4,400.40	784.939
\$4,525.80	775.310
\$4,651.20	765.682
\$4,776.60	756.053
\$4,902.00	746.425
\$5,027.40	736.797
\$5,152.80	727.168
\$5,278.20	717.540
\$5,403.60	707.911
\$5,528.00	698.283
\$5,653.40	688.654
\$5,905.20	669.397
\$6,144.60	651.016
\$6,384.00	632.634
\$6,440.00 and over	628.333

basis, divide such basic rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half; and

(2) If the basic rate of compensation of the employee is fixed on a monthly basis, multiply such basic rate of compensation by twelve to derive a basic annual rate of compensation, divide such basic annual rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half.

(c) Whenever, for the purpose of computing overtime pay under this subpart it is necessary to convert a basic monthly or annual rate to a basic weekly, daily or hourly rate the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate;

(2) An annual rate shall be divided by 52 to derive a weekly rate;

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

SUBPART B—PERIODIC WITHIN-GRADE SALARY ADVANCEMENT REGULATIONS

(For regulations governing the granting of additional within-grade salary advancements as rewards for superior accomplishment, see Subpart E of this part.)

EXTENT OF REGULATIONS

§ 25.201 *Officers and employees to whom this subpart applies.* This subpart applies to all officers and employees, except those who are appointed by the President, by and with the advice and consent of the Senate, who (a) are compensated on a per annum basis, (b) occupy permanent positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, and (c) have not reached the maximum rate of compensation for the grade in which their positions are respectively allocated.

DEFINITIONS

§ 25.221 *Permanent positions.* "Permanent positions" means positions other than those designated as temporary by law, other than those established for definite periods of one year or less, and other than those to which temporary appointments are made under Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter). Excepted positions filled by appointments designated by the appointing authority as temporary (all variations of temporary, including those stated above, excepting only war service indefinite) are not permanent positions for the purpose of this subpart. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under civil-service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions. Positions filled by temporary appoint-

ment under the Temporary Civil Service Regulations are temporary for the purpose of this subpart.

§ 25.222 *Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended.* "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended", means positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

§ 25.223 *Equivalent increase in compensation.* (a) "Equivalent increase in compensation" means any increase or increases in basic compensation which in total, at the time such increase or increases are made, are equal to or greater than the smallest compensation increment in the lowest grade in which the employee has served during the time period of twelve or eighteen months, as the case may be.

(b) The following, among others, are not "equivalent increases in compensation":

(1) Increases in basic rates of compensation provided by section 405 of the Federal Employees Pay Act of 1945, or section 2 of the Federal Employees Pay Act of 1946;

(2) Rewards for superior accomplishment as provided in sections 403 and 404 of the Federal Employees Pay Act of 1945;

(3) Increases as the result of the establishment of a new minimum rate for any class of positions in accordance with section 401 of the Federal Employees Pay Act of 1945; or

(4) An increase upon restoration of an employee to the grade and salary from which he was previously reduced or demoted, when the restoration is the result of a decision of a statutory efficiency rating board of review, a reduction-in-force appeal, the reallocation of his position to its former grade on appeal, or an appeal under section 14 of the Veterans' Preference Act of 1944.

§ 25.224 *Current efficiency.* "Current efficiency" means the official efficiency rating on record appropriate for within-grade salary advancement purposes, in accordance with the uniform efficiency-rating system.

§ 25.225 *War transfer.* "War transfer" means any transfer authorized by the Commission under Executive Order Nos. 8973 of December 12, 1941, or 9067 of February 20, 1942, War Manpower Commission Directive No. X, or War Service Regulation IX, under conditions entitling the employee to reemployment in his former position or a position of like seniority, status, and pay; civilian employment in occupied countries sub-

ject to the provisions of Executive Order No. 9711 of April 11, 1946; or employment with public international organizations subject to the provisions of Executive Order No. 9721 of May 10, 1946.

§ 25.226 *Satisfactory record on war transfer.* "A satisfactory record on war transfer" means a record or finding that the transferred employee has been furloughed or terminated without cause such as would reflect on his suitability for reemployment in the Federal service, from the position to which transferred; or that his services have been satisfactory and his termination was not the result of delinquency or misconduct.

§ 25.227 *Service in the merchant marine.* "Service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, War Shipping Administration, service as an enrollee in the United States Maritime Service on active duty, and, to such extent as said Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator.

§ 25.228 *Certificate of satisfactory service in the merchant marine.* "Certificate of satisfactory service in the merchant marine" means the certificate issued by the War Shipping Administrator pursuant to the act of June 23, 1943, (57 Stat. 162, 50 U. S. C., Sup. 1471-1475), providing reemployment rights for persons who leave their positions to serve in the merchant marine.

COMPUTATION OF PERIODS OF SERVICE

§ 25.231 *Service to be credited.* In computing the periods of service required for within-grade salary advancements there shall be credited to such service:

(a) Continuous civilian employment in any branch (legislative, executive, or judicial), executive department, independent establishment or agency, or corporation of the Federal Government or in the municipal government of the District of Columbia.

(b) Time elapsing on annual, sick, or other leave with pay.

(c) Leave without pay and furlough, not to exceed in total the equivalent of twenty-two eight-hour days in the basic forty-hour workweeks, within the period of service required for one periodic within-grade advancement.

(d) Service rendered prior to absence due to involuntary separation, or due to furlough or leave without pay, where no single period of such absence is in excess of twelve months.

(e) Service rendered prior to absence due to resignation, where no single period of such absence is in excess of thirty calendar days.

(f) Service in the armed forces, in the merchant marine, or on war transfer subject to the following conditions: The employee must have (1) left his position to enter the armed forces or the mer-

chant marine, or to comply with a war transfer, (2) been separated under honorable conditions from active duty in the armed forces, or have received a certificate of satisfactory service in the merchant marine, or have a satisfactory record on war transfer, and (3) been restored, reemployed, or reinstated in any permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, under regulations of the Commission which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or any other administrative procedure having a similar purpose with respect to employees not subject to civil service rules and regulations. Any person entitled to be credited with service under this paragraph shall also be entitled to credit not more than twelve, eighteen or thirty months, as the case may be, for civilian employment prior to leaving his position to enter the armed forces or the merchant marine, or to comply with a war transfer.

(g) In the case of an employee whose name appeared on a list of eligibles between May 1, 1940 and March 16, 1942, and who, after meeting necessary conditions, received probational appointment under the provisions of any Executive order or regulations of the Commission covering situations in which an eligible lost his opportunity for probational appointment because of military service in World War II, time elapsing since the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom.

(h) In the case of an employee who applied for restoration, reappointment or reemployment within the period, provided by statute or regulation, of 90 calendar days after honorable discharge from the military service or from hospitalization continuing for a period of not more than one year after such discharge, and who has been restored, reappointed or reemployed as a result of such application, the total period of time elapsing between the termination of military service or release from hospitalization continuing thereafter, and entrance on duty in his civilian position if such period does not exceed 120 calendar days. However, if entrance on civilian duty has been delayed so that such period is in excess of 120 calendar days, only the first 120 calendar days of such period may be credited. This paragraph shall be effective December 5, 1946 and shall apply to all computations of within-grade salary increases made after that date.

In the case of an employee exercising reemployment rights under the terms of Executive Order No. 9711, April 11, 1946 (11 F. R. 4081), not to exceed a total period of 120 calendar days of time elapsing between release from military service and acceptance of civilian employment in occupied territories under the Military Government authorities of the United States, and time elapsing between termination of such employment and the exercise of his reemployment

rights in accordance with Executive Order No. 9711.

CONDITIONS OF ELIGIBILITY FOR PERIODIC WITHIN-GRADE SALARY ADVANCEMENT

§ 25.241 *Eligibility requirements and effective date.* Officers and employees to whom this subpart applies shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period (including July 1, 1945) following the completion of (1) each twelve months of service if such officers or employees are in grades in which the compensation increments are less than \$200 per annum or (2) each eighteen months of service if such officers or employees are in grades in which the compensation increments are \$200 or more, subject to the following conditions:

(a) That no equivalent increase in compensation from any cause was received during such period:

(b) That an officer or employee shall not be advanced unless his current efficiency rating is "Good" or better than "Good";

(c) That the service and conduct of such officer or employee are certified by the head of the department or independent establishment or agency, or Government-owned or controlled corporation, or such official as he may designate, as being otherwise satisfactory.

This certificate of otherwise satisfactory service and conduct shall constitute an affirmative statement that responsible officials have reviewed the service and conduct of the employee and find that he definitely merits the advancement.

Where a within-grade advancement became due on or after July 1, 1945, and was delayed beyond its effective date, solely through administrative error or oversight of the agency in approving and recording the required efficiency rating or executing the certificate of satisfactory service and conduct, or both, the agency shall approve and record the rating or execute the certificate, or both, as of the date or dates such administrative actions should have been completed, and the advancement shall be made effective as of the date it would have been due if there had been no administrative error or oversight.

If at the end of the time period of twelve or eighteen months, an employee's total leave without pay and furlough is in excess of that creditable under § 25.231 (c), he must serve in a pay status an additional number of basic-workweek days and hours equal to such excess, to complete the service required for advancement.

§ 25.242 *Exceptions.* Conditions of § 25.241 (b) and (c) shall not apply upon the return to duty of any officer or employee (a) who, while serving under permanent, war service, temporary, or any other type of appointment, left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (b) who has been separated under honorable conditions from active duty in the armed forces, or has received a certificate of satisfactory service in the merchant marine, or has a satisfactory record on war transfer, and (c)

who, under regulations of the Commission, which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or under any other administrative procedure having a similar purpose with respect to officers and employees not subject to civil service rules and regulations, is restored, reemployed, or reinstated in a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, in which he would otherwise be eligible for within-grade salary advancement under this part.

EFFECT OF EFFICIENCY-RATING CHANGES

§ 25.251 *Effect of efficiency-rating changes.* In the event a change or adjustment is made in an officer's or employee's current efficiency rating, either by administrative action or as the result of a review and determination by a board of review in accordance with the provisions of section 9 of the Classification Act of 1923, as amended, the employee's eligibility for salary advancement shall be determined according to the efficiency rating as changed or adjusted and other conditions of the salary advancement plan, and any periodic within-grade salary advancement to which he may be entitled shall be made effective as of the date he would have received the advancement had no error been made in the original rating.

SUBPART C—NIGHT PAY DIFFERENTIAL REGULATIONS

EXTENT OF REGULATIONS

§ 25.301 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.302.

§ 25.302 *Employees to whom this subpart does not apply.* This subpart does not apply to:

- (a) Elected officials;
- (b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;
- (c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions

of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U. S. C. App. 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police;

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company;

(k) Employees of the Bureau of Engraving and Printing who are entitled to a night pay differential under the act of July 1, 1944 (58 Stat. 648, 31 U. S. C. 180); and

(l) Employees who are entitled to additional compensation for night work under any provision of law other than section 301 of the Federal Employees Pay Act of 1945.

DEFINITIONS

§ 25.321 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of quarters, subsistence, and other maintenance allowances under sec. 3 of the act of March 5, 1928, 45 Stat. 193, 5 U. S. C. 75a.

§ 25.322 *Regularly scheduled tour of duty.* "Regularly scheduled tour of duty" means the regularly scheduled administrative workweek for full-time employees prescribed in accordance with § 25.131. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which such employees are required to be on duty regularly.

§ 25.323 *Night work.* "Night work" means that part of a regularly scheduled tour of duty which falls between 6 o'clock p. m. and 6 o'clock a. m.

§ 25.324 *Night pay differential.* "Night pay differential" means the ten percent increase over the officer's or employee's basic rate of compensation, authorized by section 301 of the Federal Employees Pay Act of 1945, as amended.

NIGHT WORK AND PAYMENT OF NIGHT DIFFERENTIAL

§ 25.331 *Night pay differential authorized.* Any officer or employee to whom this subpart applies shall be entitled to a night pay differential amounting to 10 percent of his basic rate of compensation as additional compensation for all hours of night work, computed in accordance with § 25.332.

§ 25.332 *Computation of night pay differential—(a) Absence on leave or holidays, or in travel status.* Payment of a night pay differential is not authorized during any period when the officer or employee is in a leave status or is excused from duty on a holiday or other

non-workday; but it is authorized when compensatory time off "earned" by night work is taken during the night hours of the employee's regularly scheduled tour of duty, and for all night hours of the employee's regularly scheduled tour of duty while he is in official travel status, whether performing actual duty or not.

(b) *Relation to overtime and holiday pay.* Payment of a night pay differential shall be in addition to any extra overtime or holiday compensation paid in accordance with Subpart A or Subpart D. The night pay differential shall not be included in the basic rate or compensation in computing any overtime or holiday compensation to which the officer or employee may be entitled.

(c) *Temporary assignment to different tour of duty.* The payment of the night pay differential is authorized for night work performed when an employee is assigned temporarily to a regularly scheduled tour of duty other than his own regular tour of duty.

(d) *Computation of rate of night pay differential.* Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of the night pay differential, the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate;

(2) An annual rate shall be divided by 52 to derive a weekly rate;

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

SUBPART D—REGULATIONS GOVERNING PAY FOR HOLIDAY DUTY

EXTENT OF REGULATIONS

§ 25.401 *Employees to whom this subpart applies.* This subpart shall apply to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.402.

§ 25.402 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled

"An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," approved March 24, 1943 (57 Stat. 45, 50 U. S. C., App. Sup., 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police; and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

DEFINITIONS

§ 25.421 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928 (45 Stat. 193, 5 U. S. C. 75a).

IDENTIFICATION OF HOLIDAYS

§ 25.431 *Holidays.* The following days shall be holidays:

(a) Subject to the provisions of paragraph (b) of this section, the 1st day of January; the 22d day of February; the 30th day of May; the 4th day of July; the first Monday in September; the 11th day of November; the fourth Thursday in November; and Christmas Day.

(b) When any such day falls on a Sunday, Executive Order No. 9636 of October 3, 1945 requires that the following Monday shall be observed as a holiday in lieu thereof subject to the following exceptions:

(1) In the case of employees whose regularly scheduled basic work-week includes both the Sunday and the Monday involved, either day, as determined by the head of the department, agency, or corporation concerned, but not both days, shall be treated as a holiday.

(2) In the case of employees whose regularly scheduled basic work-week includes the Sunday but not the Monday involved, only the Sunday shall be treated as a holiday.

(c) Any day designated as a holiday by Executive order.

EXTRA PAY FOR HOLIDAY DUTY

§ 25.441 *Rate of holiday pay.* (a) Any officer or employee who is assigned to duty on a holiday shall be compensated for such duty at the rate of twice his regular rate of basic compensation, *Provided,*

(1) That such hours of holiday duty fell within his basic workweek of forty hours.

(2) That such doubled rate of compensation shall be paid for not to exceed eight hours of duty on a holiday.

(3) That such doubled rate of compensation shall be in lieu of his regular rate of basic compensation.

(4) That such doubled rate of compensation shall be in addition to any extra compensation for night duty payable under Subpart C; but the night pay differential shall not be included in the basic rate of compensation in computing pay for holiday duty.

(b) An officer or employee who is excused from duty because of a holiday falling within his basic 40-hour workweek shall be entitled to only his basic rate of compensation for that day.

(c) An officer or employee who is assigned to duty on a holiday falling outside of his 40-hour basic workweek (an overtime day) shall be entitled only to the overtime compensation payable in accordance with Subpart A for such duty, plus any extra compensation for night duty payable under Subpart C or other authority.

(d) An officer or employee who is excused from duty because of a holiday falling outside of his 40-hour basic workweek shall not be entitled to any compensation for that day.

§ 25.442 Computation of holiday pay. Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of extra pay for holidays, the following rules shall govern:

(a) A monthly rate shall be multiplied by twelve to derive an annual rate;

(b) An annual rate shall be divided by fifty-two to derive a weekly rate;

(c) A weekly rate shall be divided by forty to derive an hourly rate; and

(d) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

§ 25.443 Overtime. (a) The extra pay for holidays authorized by § 25.441 shall not be included in the basic rate of compensation in computing any overtime compensation to which the officer or employee may be entitled.

(b) Such extra pay shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs, and notwithstanding such extra pay, the number of hours of duty on a holiday shall be included in determining for overtime pay purposes the total number of hours of employment performed in the same administrative workweek.

(c) The number of regularly scheduled hours of duty on a holiday falling within the employee's 40-hour basic workweek on which the employee is excused from duty shall be included as a part of the 40-hour basic workweek for overtime pay computation purposes.

SUBPART E—REGULATIONS FOR GRANTING ADDITIONAL WITHIN-GRADE SALARY ADVANCEMENTS AS REWARDS FOR SUPERIOR ACCOMPLISHMENT

(For regulations governing "cash" awards, see Part 32 of this chapter.)

§ 25.501 Extent of regulations; officers and employees to whom this subpart applies. This subpart applies to any officer or employee, except those in positions required to be filled by appointments by the President, by and with the

advice and consent of the Senate, who (a) is compensated on a per annum basis; (b) occupies a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended; (c) has not reached the maximum rate of compensation for the grade of his position; and (d) who merits consideration for an award as a result of superior accomplishment.

§ 25.502 Definitions. (a) "Department" means any executive department or independent establishment or agency, including Government-owned or Government-controlled corporations, and the municipal government of the District of Columbia.

(b) "Permanent positions" means positions, other than those designated as temporary by law, other than those established for definite periods of one year or less, and other than those to which temporary appointments are made under Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter). Excepted positions filled by appointments designated by the appointing authority as temporary (all variations of temporary, including those stated above, excepting only war service indefinite) are not permanent positions for the purpose of this subpart. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under civil-service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions. Positions filled by temporary appointment under the Temporary Civil Service Regulations are temporary for the purpose of this subpart.

(c) "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended," means positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Civil Service Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

(d) "Superior accomplishment" means sustained work performance of a high degree of efficiency, or the initiation and development of a suggestion, over and above normal requirements of the position, which increases efficiency or brings about substantial economies in the public service, or a special service of an outstanding nature, which meets the standards of the Commission for recognition as the basis for a reward in the form of an additional salary advancement.

(e) "Additional advancement" means within-grade salary advancement as a reward for superior accomplishment as distinguished from a periodic within-grade salary advancement under section 402 of the Federal Employees Pay Act of 1945.

§ 25.503 Conditions of eligibility for additional advancements. The granting of each additional advancement shall be subject to the following conditions:

(a) It must be made within the limit of available appropriations;

(b) It must be based on superior accomplishment which conforms with standards promulgated by the Commission;

(c) It cannot also be the basis for a cash award under the authority of Executive Order No. 9817 or any similar plan; and

(d) No more than one additional advancement may be made to any officer or employee within each of the time periods prescribed in section 402 of the Federal Employees Pay Act of 1945.

§ 25.504 Prior approval by the Commission. Approval of the Commission must be secured prior to making any additional advancement effective, unless approval of such advancement is made under authority delegated in accordance with the regulations in this subpart.

§ 25.505 Departmental plans for awarding additional advancements. Each department which desires authority to approve additional advancements as rewards for superior accomplishment shall submit a plan to the Commission (a) providing for a systematic review of the work performance of employees, (b) proposing a simple, orderly procedure for the selection of employees to be awarded additional advancements for superior accomplishment, (c) indicating the representatives of the head of the department proposed to be authorized to approve such advancements, (d) providing procedures for reporting additional advancements to the Commission, and (e) proposing a method of publication of the plan to all employees. Such plans shall not become effective until approved by the Commission, and no approved plan shall be revised or amended without the prior approval of the Commission. Subject to the foregoing provisions, any such departmental plan may be revised or amended from time to time as circumstances may require.

§ 25.506 Delegation of authority to approve additional advancements. Effective until November 1, 1945, the Commission hereby delegates authority to the head of each department, or his designated representatives, to approve additional advancements as rewards for superior accomplishment which conforms with standards promulgated for that purpose by the Commission. This authority will terminate on November 1, 1945, if no departmental plan has been approved prior to that date. Upon the approval of a departmental plan as provided in the foregoing section, the Commission hereby delegates authority to the head of the department, and to his designated representatives operating under such plan, to

approve additional advancements as rewards for superior accomplishment which conforms with the standards promulgated for that purpose by the Commission.

§ 25.507 *Suspension or withdrawal of authority.* The Commission may suspend or withdraw the authority to approve additional advancements delegated in the regulations in this subpart, whenever, after post-audit of actions taken under such authority, it finds that (a) additional advancements are being approved which do not conform with the Commission's standards, (b) provisions of the departmental plan are not being followed, or (c) adequate statements supporting such additional advancements are not being received by the Commission.

§ 25.508 *Reports to be furnished to the Commission.* Additional within-grade salary advancements as rewards for superior accomplishment shall be reported to the Commission with such supporting information as it may prescribe.

PART 26—TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES OR TO AMERICAN MISSIONS

Sec.

- 26.1 Persons who may be transferred.
- 26.2 Definitions.
- 26.3 Submission of request.
- 26.4 Approval of transfer.
- 26.5 Separation from service.
- 26.6 Filling vacancy.
- 26.7 Acquisition of status.
- 26.8 Reemployment.
- 26.9 Report to the Commission.
- 26.10 Appeals to the Commission.
- 26.11 Effective date.

AUTHORITY: §§ 26.1 to 26.11, inclusive, issued under sec. 5, E. O. 9721, May 10, 1946, 11 F. R. 5209, E. O. 9862, May 31, 1947, 12 F. R. 3558.

§ 26.1 *Persons who may be transferred.* The following persons may be given consideration for transfer under Executive Order 9721 or 9862:

(a) Employees of any agency or department in the executive branch of the Federal Government who are serving under (1) probational or permanent civil service appointments, or (2) war service indefinite appointments regardless of whether a trial period has been completed.

(b) Former employees of such an agency or department who (1) are serving in a public international organization, (2) have served continuously in such organization since May 10, 1946, and (3) left war service indefinite or probational or permanent civil service appointments to take their present employment.

§ 26.2 *Definitions.* (a) "Public international organization" is one designated by the President pursuant to the act of December 29, 1945 (59 Stat. 669).

(b) "American Mission" is the American Mission for Aid to Greece or the American Mission for Aid to Turkey.

(c) "Terminated without prejudice" means separation from the public international organization or American Mis-

sion to which transferred under Executive Order 9721 or 9862, either voluntarily or involuntarily, under circumstances which do not reflect on the transferee's suitability for further Federal employment.

NOTE: For list of public international organizations, see Executive Orders 9698, 9751, 9823, 9863, and 9867. A list of public international organizations is also contained on page R7-13 of the Federal Personnel Manual.

(d) "Consent of the head of the department or agency concerned" means the specific consent of the head of the department or agency or his designated representative for the employee's or former employee's transfer under Executive Order 9721 or under Executive Order 9862. A general release for employment elsewhere, or a release granted other than for the specific purpose of transfer under Executive Order 9721 or 9862 shall not be construed as "consent" under Executive Order 9721 or 9862.

§ 26.3 *Submission of request.* A request for the transfer of an employee or former employee under Executive Order 9721 shall be submitted by the public international organization, or under Executive Order 9862 by the Secretary of State, in writing directly to the agency or department in which such employee is serving or last served.

§ 26.4 *Approval of transfer.* The head of the department or agency concerned or his designated representative shall, if he determines to consent to transfer under Executive Order 9721 or 9862, give such consent in writing and address it to the requesting organization. The letter of consent shall specifically mention that consent is given under Executive Order 9721 or 9862. A copy of the letter of consent shall be placed in the agency personnel files, and a copy shall be delivered to the transferee. The agency or department concerned may set the date on which the consent becomes valid.

§ 26.5 *Separation from service.* Upon transfer under Executive Order 9721 or 9862, the employee shall be separated and his "separation by transfer under Executive Order 9721" or "9862" shall be reported to the Commission on the regular report of personnel changes.

§ 26.6 *Filling vacancy.* The appointment, reassignment, promotion, or transfer of an employee to fill a vacancy created by the transfer of an employee under Executive Order 9721 or 9862 shall be limited to the return of the specific employee transferred under the order; except that this section shall not apply in any case where the provisions of section 4 of Executive Order 9721 are made applicable to a former employee of a Federal agency serving with a public international organization at the time of issuance of Executive Order 9721, and where the position he left in the agency had already been filled prior to the time the provisions of section 4 of Executive Order 9721 were made applicable to him.

§ 26.7 *Acquisition of status.* Any employee who is transferred from a war service indefinite appointment under Executive Order 9721 or 9862 and who meets

the conditions for acquisition of competitive status under section 2 of Executive Order 9721 shall be deemed to have acquired such status provided those conditions are met on or before May 10, 1949. Determination of status will be made by the Commission on request of a Federal agency or the transferee. Unless all conditions precedent to acquisition of competitive status under section 2 of Executive Order 9721 have been met on or before May 9, 1949, no rights accrue under that section. Determination that such conditions were so met may be made after that date.

§ 26.8 *Reemployment.* An employee transferred under Executive Order 9721 or 9862 must meet the following conditions in order to have a right to reemployment under Executive Order 9721 or 9862:

(a) He must have been serving under a probational or permanent civil service appointment prior to such transfer, or he must have met the conditions for acquisition of a competitive status under section 2 of Executive Order 9721. When reemployment rights depend on acquisition of status under section 2 of Executive Order 9721, request for such determination shall be presented to the Commission by the agency concerned promptly after receipt of application for reemployment, unless such determination was made theretofore.

(b) He must have been terminated without prejudice by the public international organization or American Mission to which transferred within three years of the date of his separation or transfer to such organization or within three years of the date of Executive Order 9721, whichever is later.

(c) He must apply for reemployment to his former agency or department (or its successor) within 90 days of his termination by such organization.

(d) He must be qualified physically to perform the duties of his former position or one of like seniority, status and pay.

Upon meeting the conditions for reemployment under Executive Order 9721 or 9862, the transferee's former agency or department (or its successor) shall reemploy him within 30 days of his application for reemployment. Such reemployment shall be in the employee's former position or in a position of like seniority, status and pay.

Upon reemployment under Executive Order 9721 or 9862, an employee shall be given the seniority and, to the extent consistent with law, the pay to which he would have been entitled had he remained continuously with the agency in his former position. He shall be considered as having competitive status and tenure and shall be given full credit for completion of probation for service in the international organization or American Mission since acquisition of status. Any sick leave to his credit at the time of his separation for transfer shall be recredited to him.

§ 26.9 *Report to the Commission.* (a) A transfer under Executive Order 9721 or 9862 shall be reported to the Commission on the regular report of personnel changes. In any case where the provisions of Executive Order 9721 are, with

the consent of the Federal agency in which he was formerly employed, made applicable to a former employee of the agency, the action shall be reported as a transfer effective as of the date the employee left the Federal agency to take employment with the public international organization.

(b) A reemployment under Executive Order 9721 or 9862 shall be reported to the Commission on the regular report of personnel changes.

§ 26.10 *Appeals to the Commission.* There shall be no appeal to the Commission from a denial by the head of the agency or department or his designated representative of transfer under Executive Order 9721 or 9862. The Commission shall make final decision as to the acquisition of status of an employee under section 2 of Executive Order 9721 or under Executive Order 9862. An employee transferred under Executive Order 9721 or under Executive Order 9862 who has been denied reemployment may appeal to the Commission, and the Commission shall make final determination of his right to reemployment.

§ 26.11 *Effective date.* This part shall be effective as of May 10, 1946.

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1923, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

- Sec.
27.1 Exclusion from provisions of Federal Employees Pay Act and Classification Act.
27.2 Maximum stipends prescribed.
27.3 Stipends under existing agreements with trainees.
27.4 Stipends of trainees assigned to Federal hospitals as affiliates.
27.5 Exclusion of other trainee positions and establishment of maximum stipends.
27.6 Extent of regulations.
27.7 Inquiries.

AUTHORITY: §§ 27.1 to 27.7, inclusive, issued under Pub. Law 330, 80th Cong., approved August 4, 1947.

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* In accordance with the provisions of section 1 and section 2 of Public Law 330, 80th Congress, approved August 4, 1947, the following positions, in addition to those specifically excluded by section 1 and section 2 of such law, are excluded from the provisions of the Federal Employees Pay Act of 1945 (Public Law 106, 79th Congress), as amended, and the Classification Act of 1923, as amended and extended (5 U. S. C., ch. 13):

Interns in clinical psychology at St. Elizabeths Hospital, second year approved post graduate training (pre-doctoral) and fifth year approved post graduate training (post-doctoral).

§ 27.2 *Maximum stipends prescribed.* In accordance with the provisions of section 3 of Public Law 330, 80th Congress, approved August 4, 1947, the following

maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind) for student nurses, medical or dental interns, residents-in-training, student dietitians, student physical therapists, and student occupational therapists, except as otherwise provided in § 27.3 are hereby prescribed:

Student nurses—St. Elizabeths Hospital:	
First year training.....	\$775
Second and third year training, maximum total for two years....	1,225

NOTE: The maximum total stipend of \$1,225 for the second and third years is effective only so long as student nurses at St. Elizabeths Hospital are assigned during these years to affiliated hospitals for one year of training with no compensation other than maintenance.

All other Federal hospitals:	
First year training.....	\$775
Second year training.....	865
Third year training.....	985

Medical or dental interns and residents—Gallinger and Freedmen's Hospitals:	
First year approved post graduate training.....	1,800
Second year approved post graduate training.....	1,900
Third year approved post graduate training.....	2,200
Fourth year approved post graduate training.....	2,500
Fifth year approved post graduate training.....	3,400
Sixth year approved post graduate training.....	4,150

All other Federal hospitals:	
First year approved post graduate training.....	2,200
Second year approved post graduate training.....	2,400
Third year approved post graduate training.....	2,700
Fourth year approved post graduate training.....	3,000
Fifth year approved post graduate training.....	3,400
Sixth year approved post graduate training.....	4,150

NOTE: Maximum stipends for Panama Canal and Panama Railroad are 25 percent above these rates.

Dietitian interns (Student dietitians):	
One year approved post graduate training.....	\$1,470
Physical therapy interns (Student physical therapists):	
One year approved post graduate training.....	1,470
Occupational therapy interns (Student occupational therapists):	
Approved clinical training in affiliation with an approved school of occupational therapy, \$122.50 (a month).	
Clinical psychology interns—St. Elizabeths Hospital:	
Second year approved post graduate training (pre-doctoral).....	1,600
Fifth year approved post graduate training (post-doctoral).....	2,200

§ 27.3 *Stipends under existing agreements with trainees.* Stipends (total amounts paid, including maintenance allowances and other payments in kind) under existing agreements with trainees in accordance with maximum stipends approved by the Commission under the provisions of Executive Order 9750, and which are in excess of maximums in the above schedules, are hereby approved as

maximums for the duration of training under such agreements; *Provided*, That statements of the terms of such agreements, with schedules of stipends and allowances, are filed with the Commission before September 1, 1947.

§ 27.4 *Stipends of trainees assigned to Federal hospitals as affiliates.* Trainees at non-Federal hospitals assigned to Federal hospitals as affiliates for part of their training shall receive no stipend from the Federal hospital other than any maintenance provided.

§ 27.5 *Exclusion of other trainee positions and establishment of maximum stipends.* Requests for approval by the Commission of exclusions from the provisions of the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1923, as amended, of other positions filled by persons employed on a student-employee basis assigned or attached to a hospital, clinic, or medical or dental laboratory, as provided in section 1 and section 2 of Public Law 330, 80th Congress, and for approval of maximum stipends not provided in § 27.2 or § 27.3, should be submitted promptly to the Commission, with full supporting information.

§ 27.6 *Extent of regulations.* Maximum stipends provided in § 27.2 and § 27.3 apply to any "hospital, clinic, or medical or dental laboratory, operated by any department, agency or instrumentality of the Federal Government or by the District of Columbia," unless rates of compensation are otherwise provided by law.

§ 27.7 *Inquiries.* Inquiries concerning this part may be directed, in Washington, D. C., to the Field Section, Personnel Classification Division, telephone extension 651, and, in the field, to the appropriate regional or branch regional office.

PART 28—OFFICIAL PERSONNEL FOLDER

- Sec.
28.1 Designation of agency representative.
28.2 Designation of Official Folder.
28.3 Consolidation and standardization of content of folder.
28.4 Transfer of the Official Personnel Folders between agencies.
28.5 Requests for information about employees whose folders have been transferred to other agencies.
28.6 Official Personnel Folder upon reemployment in Federal service.
28.7 Exceptions.
28.8 How to order the Official Personnel Folder.
28.9 Standard Form No. 63, Request for Personnel Data and Leave Transcripts.
28.10 Requests for further information.
28.11 Specifications for Official Personnel Folder.

AUTHORITY: §§ 28.1 to 28.11, inclusive, issued under sec. 3, E. O. 9784, Sept. 25, 1946, 3 CFR, 1946 Supp.

§ 28.1 *Designation of agency representatives.* Each agency will designate one or more representatives to work with the Commission in putting the plan into effect.

The name (or names) of the representative designated by the agency, his location in the organization and tele-

phone number, should be furnished by letter not later than March 3, 1947, to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 28.2 *Designation of official folder.* Only one Official Personnel Folder will be maintained for each active employee, and it will contain the records necessary to comprise his complete service record. The Official Personnel Folder will be maintained at the point of maximum utilization. Designation of this point will be made by the agencies not later than April 1, 1947.

§ 28.3 *Consolidation and standardization of content of folder.* As rapidly as resources permit, steps will be taken to make the personnel folder of each active employee a complete working record in line with the Commission's specifications.

Folders which are transferred to other agencies, and new folders which are established, must conform to the standard specifications.

§ 28.4 *Transfer of the Official Personnel Folders between agencies—(a) Manner of transfer.* Beginning April 1, 1947, whenever an employee is transferred to another agency, or to another organization within the same agency (if the Official Personnel Folder is maintained by a different office), the employing agency will, upon the employee's entrance on duty, furnish the appropriate personnel office of the releasing agency with a copy of Standard Form 50, "Notification of Personnel Action," which records the transfer action and indicates the official date on which the transfer became effective. Extra single copies of Standard Form 50 for this purpose can be obtained from the Government Printing Office. The releasing agency or office, within 3 days of receipt of its copy of Standard Form 50, will transmit the Official Personnel Folder to the new agency or office, and arrange for transmittal of the leave record.

(b) *Purging of folder.* Prior to transfer, all material except that listed in the Commission's specifications for material to be filed on the right, or permanent, side of the folder will be removed from the official folder. Duplicate records and material listed as temporary may be disposed of in accordance with regular procedure for disposal of records.

Such material will be removed only by the releasing agency. The receiving agency will retain all papers which have been transmitted in the folder.

(c) *Materials to be transferred.* The material included in the Commission's specifications on the right, or permanent, side of the personnel folder constitutes the employee's official record of service and, as such, is required to be transferred. Agencies may, but are not required to, release or transfer confidential material. In making a decision as to whether confidential material should be transferred, agencies should consider that such material is being transferred to another branch of the Federal Government where it will continue to be maintained as confidential.

(d) *Record of transfer.* Upon transmittal of the Official Personnel Folder to

another agency, the releasing agency will record the name of the employee and the name and location of the agency to which the file is being transferred, together with the date of its transfer. Whenever possible, agencies should utilize for this purpose an appropriate existing record such as an employee record card. If such a record is not available, a card may be established recording the transfer.

§ 28.5 *Requests for information about employees whose folders have been transferred to other agencies.* Requests for information regarding an employee who has transferred should be forwarded for reply to the office or agency to which the employee transferred.

§ 28.6 *Official Personnel Folder upon reemployment in Federal service.* When a former Federal employee is reemployed, the employing agency should request his personnel folder, by letter, from the personnel office of the agency in which he was last employed.

§ 28.7 *Exceptions.* Officers located outside of the continental United States may, in the discretion of the agency, be exempted from the use of the standard Official Personnel Folder and the regulations in this part.

§ 28.8 *How to order the Official Personnel Folder.* The Official Personnel Folder is procurable from the Treasury Department, Procurement Division, in Washington, D. C., and its Regional Supply Centers. In ordering, refer to the Official Personnel Folder, Stock No. 53-F-4643.

§ 28.9 *Standard Form No. 63, Request for Personnel Data and Leave Transcripts.* Effective April 1, 1947, agencies will no longer use Standard Form No. 63 to verify the effective date of transfers and to obtain information for use in determining eligibility for periodic pay increases. This form will be abolished.

The official date on which the transfer has become effective will be obtained from the copy of Standard Form 50 which is sent the employing agency; promotion and other personnel information will be obtained from the Official Personnel Folder when received.

§ 28.10 *Requests for further information.* Inquiries with regard to the Official Personnel Folder should be made in writing to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 28.11 *Specifications for Official Personnel Folder.—(a) Type of folder.* Letter size, kraft, heavy weight, individual reinforced tab (approximately $\frac{3}{4}$ cut right of center), contents secured with built-in metal fasteners at top of back flap and bottom of front flap. Material to be filed on permanent (or right hand) side of folder to be punched and fastened at top of sheet. Material to be filed on temporary (or left hand) side to be punched and fastened at bottom of sheet. White or buff colored labels shall be used for identifying the folder, with the employee's last name first, followed by his

first name and middle initials, if any, and date of birth expressed as month, day and year, that is, Oct. 30/26, followed by identification number, if any. The name on the employee's personnel folder shall correspond to his name on the rolls of the agency. The following information will be printed on the front of the folder: Official Personnel Folder

(b) *Permanent records.* On right side in chronological order, with latest paper on top, file permanent records affecting employee's status: Application for Federal Employment (earliest and latest form completed), Standard Forms 57, 58, 60, Civil Service Form 3821; Notification of Personnel Action, Standard Form 50; Request for Personnel Action, if used as the official appointing document, or as the employee's resignation; Oath of Office, Affidavit and Declaration of Appointee, Standard Form 61; Veterans Preference Forms, Civil Service Forms 2842 and 2842a; Evidence of Satisfactory Military Service (this should not include the certificate of discharge which is returned to the employee); Report of completion of character or loyalty investigation; Official letters of commendation or reprimand; Resignation; Notice of retirement, Standard Form 37; Report of Efficiency Rating, Standard Form 51; Records of completion of training courses; Civil Service Examination papers; Transcript of court order, in case of separation for legal incompetence; Employee's Notice of Injury or Occupational Disease, Bureau of Employees' Compensation Form C. A. 1; Notification of approval of application for disability retirement, Civil Service Form 3170; Official Death Notice. The forms referred to by number include forms superseded by or superseding the forms listed, or agency forms serving the same purpose.

(c) *Temporary records.* On left side in chronological order, with the latest paper on top, file records of temporary value. In general, these are documents leading to a formal action but not constituting a record of it nor making a substantial contribution to the employee's service record. Dispose of these papers on transfer of employee to another agency or upon separation. The list that follows is intended as a guide for current personnel operations and not as a request for the creation of any records not normally used: Request for Personnel Action (except where used as the official appointing document or contains the employee's resignation); Requests for authority and Commission's approval; Required records for employment of minors; Letters of Release; Letters of reference and responses to inquiries; Conduct Reports for Pay Increase (Periodic); Advance Notices of personnel actions for such actions as demotion, pay increase, furlough, reduction in force, termination of appointment, etc.; Notices of proposed retirement; All Personal Debt Correspondence; Deferment and Draft Correspondence; Miscellaneous Correspondence; Application for Reemployment (after Military Service or War Transfer Leave Without Pay); Bureau of Employees' Compensation Forms, except Form C. A. 1.

PART 29—RETIREMENT

Sec.	
29.1	Administration.
29.2	Evidence.
29.3	Applications.
29.4	Time for filing applications.
29.5	Disability retirement; medical examination.
29.6	Effective date of retirement.
29.7	Computation of interest.
29.8	Military service.
29.9	Designation of beneficiary.
29.10	Designation of agent.
29.11	Disclosure of information.
29.12	Joint and survivorship annuities.
29.13	Making of voluntary deposits.
29.14	Purchase of additional annuity.
29.15	Appeals.
29.101	Basic records.
29.102	Maintenance of individual retirement account.
29.103	Certifying officers; signature cards.
29.104	Retirement deductions.
29.105	Tontine; based on pay status in calendar month.
29.106	Reemployed annuitants.
29.107	Reports of retirement fund transactions.
29.108	Set-off on account of indebtedness to the Government.

AUTHORITY: §§ 29.1 to 29.15, inclusive, issued under sec. 17, 46 Stat. 478; 5 U. S. C. 709; §§ 29.101 to 29.108, inclusive, issued under sec. 12 (a), 46 Stat. 476, 5 U. S. C. 724.

§ 29.1 Administration. (a) The Commission shall have charge of the adjudication of all claims arising under the retirement laws, and of all matters directly or indirectly concerned with such adjudication.

(b) In the adjudication of claims arising under the retirement laws, the Commission shall consider and take appropriate action on counterclaims filed by the Government as set-offs against amounts in the retirement fund involved, and shall likewise consider and take appropriate action in adjusting illegal salary payments in violation of laws pertaining to dual service, subject to final decision by the Comptroller General.

(c) The Commission shall maintain a control account for each department and independent establishment; for this purpose, departments and establishments shall make reports of appointments and separations and annual summaries of retirement fund transactions.

§ 29.2 Evidence. (a) (1) Civil Service Commission Form 2806 (Retirement Account) shall be the basic record for action on all claims for annuity or refund, and those pertaining to deceased employees or annuitants.

(2) Form 2806 shall contain a record of all service creditable under the Retirement Act, civil and military, and a record of all retirement deductions made, showing the beginning and ending dates of each period covered by such deductions. Whenever practicable in certifying service for which deductions were not made, the aggregate basic salary earned and the amount of tontine involved, by calendar years, shall be shown. Any change of date or salary on the service history side, or in the first three columns of the fiscal side, of Form 2806 shall be certified. Any leave without pay in excess of 6 months in a calendar year shall be noted.

(3) Immediately upon the absolute separation of an employee for any reason

(or upon interdepartmental transfer), Form 2806 shall be completed to date, certified as to its correctness, and, after proper entry therefrom has been made on the "Register of Separations", sent to the Civil Service Commission. In no case shall the retirement record card be held in a department or establishment awaiting the receipt of a claim.

(b) When loss or destruction or incompleteness of records in the Government offices concerned is shown, a request shall be made through the Commission to the General Accounting Office for such data as may be deemed necessary for a proper determination of the rights of the claimant. When the required information cannot be developed by any official record, inferior or secondary evidence then becomes admissible and should be requested.

§ 29.3 Applications. (a) All applications under the Retirement Act shall be filed with the Commission and shall be made on such forms as may be prescribed by the Commission.

(b) Applications for annuity and for retirement on account of total disability, except disability applications filed by a department or establishment, must be executed before two identifying witnesses.

(c) Applications for the payment of accumulated deductions, or of accrued annuity and/or unexpended balance, must be executed before two witnesses who must certify to the identity of the person filing the claim. Applications for refund shall be executed before two identifying witnesses.

§ 29.4 Time for filing applications.

(a) An application for annuity on account of age may be filed shortly before or at any time after the employee reaches the requisite retirement age, but such application should not be filed more than 30 days in advance of reaching retirement age. In cases of optional retirement, the application must be executed before the actual date of separation.

(b) An application for immediate or deferred annuity on account of voluntary or involuntary separation from the service will not be considered if filed before the employee's separation.

(c) An application for retirement on account of disability must be executed by the employee prior to the applicant's separation from the service or within 6 months thereafter. This time limitation may be waived by the Commission in the cases of employees who are found to have been mentally incompetent at date of separation or within 6 months thereafter, the application in such cases to be filed with the Commission within one year from the date of restoration of any such person to competency or the appointment of a fiduciary, whichever is the earlier.

Request or order by the department or other governmental agency for retirement of an employee for disability must be filed prior to the employee's separation from service. If application for disability retirement is submitted upon an inappropriate form, or upon an appropriate form inadequately or incompletely executed, within 6 months from date of separation from the service, such appli-

cation may be accepted as an informal claim provided the claimant immediately or within a reasonable time thereafter submits a properly executed application upon the appropriate form.

§ 29.5 Disability retirement; medical examination. (a) When an applicant for retirement on account of total disability has established a prima facie case and no legal grounds for rejection exist, such applicant shall be ordered to appear for a medical examination before a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of the United States, it may not be necessary to require another examination.

(b) The order for annual examination by the Commission shall direct the annuitant to be medically examined within 30 days from and after the anniversary of the date on which he was retired upon annuity for disability. This provision, however, may be modified so that the annual medical examination may take place within 30 days from and after the expiration of one year from the date of the last medical examination.

(c) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered and has been restored to an earning capacity which would permit him to be appointed to an appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position. In no case shall the continued payment of the annuity exceed one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued at the close of the day preceding the date of such reemployment.

(d) The Commission, where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, may, in the exercise of its authority, waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired.

(e) If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

§ 29.6 Effective date of retirement.

(a) When an employee reaches retirement age, either on the first day of a month, or on any other day within a month, his annuity shall commence on the first day of the succeeding month. In such cases the employee will not be subject to automatic separation until the end of the month in which such age is attained, and credit for service shall

be given for the period between the date of reaching retirement age and the beginning date of annuity.

(b) When an employee retires on account of disability, the annuity shall commence on the first day of the month succeeding the termination of pay status, or on the first day of any subsequent month, as the case may warrant. In such cases, credit for service may be given for the period between the termination of pay status and the beginning date of annuity if the employee is carried on the rolls of the department during such time.

(c) In cases of optional retirement, the annuity shall commence on the first day of the month following separation; in cases of discontinued service retirement, the annuity payments shall begin the first of the month following attainment of age 62, or date of separation, whichever is the later, if the employee resigned from service or was discharged for cause; if the separation was involuntary, not by removal for cause on charges of misconduct or delinquency, the individual may receive an annuity to begin the first of the month following attainment of age 62, or the first day of the month following separation beyond that age, or he may elect to receive a reduced annuity beginning the first of the month following attainment of age 55, or following separation if beyond that age.

§ 29.7 Computation of interest. (a) The commercial method, that is, computation on the basis of 30 days to the month, is adopted. Interest will be computed for the actual time involved in each case, but whenever applicable the rule of average will obtain.

(b) In all cases, interest shall be allowed on current deductions, deposits, and redeposits at the rate of 4 percent, compounded annually, through all periods of service. When an officer or employee subject to the Retirement Act is transferred to a position wherein he does not retain his retirement status, and is entitled to refund of deductions with interest, the interest will terminate with the last day of service in the former position; and when an employee becomes absolutely separated from the service before serving five years, interest on deductions will terminate with the last day in service. A fractional part of a month in the total service in any calendar year shall be disregarded, and no interest shall be allowed unless the service covered by the refund aggregates more than one year. After an employee has completed five years or more of creditable service, interest shall be allowed at the rate of 3 percent, compounded on December 31 of each year, during periods of separation from and after January 24, 1942. No interest will be allowed beyond the date of last separation unless a period of ninety days has elapsed from date of such separation to date of approval of refund claim. If an employee who reaches retirement age at any time during a month is continued in service to the end of the month, interest shall be allowed to the end of the month.

(c) Service credit deposits and redeposits made by potential annuitants sep-

arated from service after serving at least five years will draw interest at the rate of 3 percent, compounded annually, during the separation period until beginning date of annuity.

(d) Interest at the rate of 3 percent, compounded annually, shall be allowed on voluntary deposits during periods of employment and, after the employee has completed at least five years' service and acquired a retirement status under the act of January 24, 1942, during periods of separation until refunded or beginning date of annuity.

§ 29.8 Military service. (a) Periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States which do not form the basis for pension, retired pay, or compensation under any law shall be included in crediting service under the Retirement Act.

(b) An applicant for annuity who is in receipt of benefits on account of his term of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States, may elect to surrender said benefits and to have the service upon which they are based added to his period of civil service for the purpose of obtaining a greater benefit in the form of annuity. Should it appear upon the adjudication of a claim for annuity that the claimant will benefit by the inclusion of military or naval service, and the relinquishment of benefits based thereon, he shall be so advised and permitted to exercise the right of election.

§ 29.9 Designation of beneficiary.

(a) The designation, change, or revocation of beneficiary shall be in writing on the prescribed Form 2806-1, signed and acknowledged in the presence of two witnesses personally acquainted with the designator neither of whom shall be named as beneficiary, and must be received in the Commission prior to the death of the designator.

(b) Any person, firm, corporation, or legal entity may be named as beneficiary.

(c) A revocation or change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary. Alterations or insertions restricting the right to change or revoke a designation cannot be given any force or effect. No change or revocation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by the regulations of this part shall have any force or effect.

(d) Where a writing, other than Form 2806-1, signed by the designator and duly witnessed by two persons, is received in the Commission prior to the death of the designator, in which a clear and unambiguous revocation or change of designation of beneficiary is made in substantially the same manner as that provided on Form 2806-1, and the designator dies without confirming the change or revocation by the execution of the prescribed Form 2806-1, the revocation or change shall be given the same effect as if executed on Form 2806-1: *Provided however*, That the Commission shall, upon receipt of said writing, forward a blank

Form 2806-1, to the designator at the last address furnished by him for confirmation on that form of the previous writing which shall become null and void if (1) death occurs 60 days after the filing of the first form, and (2) if no confirmation is received on said Form 2806-1 within said period.

(e) A designation of beneficiary or a change or revocation of beneficiary may be made only by an employee subject to the act whose name is borne on the rolls of the department or independent establishment at the time of execution thereof, or by an annuitant, actual or potential.

§ 29.10 Designation of agent. In the case of a claim for amount due a deceased employee or annuitant where no beneficiary has been named and no executor or administrator has been appointed, but claim is made by next of kin, and if there be more than one entitled thereto, it shall be permissible for the others to designate the one who makes the claim to act as agent to receive their distributive shares.

§ 29.11 Disclosure of information.

(a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Civil Service Commission, whether pending or adjudicated, will be deemed confidential and privileged, and no disclosure thereof will be made except as provided herein.

(2) Disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

Determination as to when disclosure of information would be injurious to the physical or mental welfare of a claimant will be made by the Medical Division.

(3) By "a duly authorized representative of a claimant" is meant any person who has satisfied the Commission of his authority to act.

(4) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(5) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(6) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the President, U. S. Civil Service Commission, requesting the same.

(7) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant, such documents will be produced in the court out of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Civil Service Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(8) The address of a claimant as shown by the Civil Service Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(9) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social-security administrative agency.

(10) Subject to the limitation regarding name or address of a beneficiary, all records or documents officially required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents or other information as may be requested for such use.

(11) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government; copies of reports of examining surgeons; reports from the War Department; or copies of records of other departments and other confidential matters, will not be furnished.

(b) Certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which may have been filed in a claim, shall, when no longer needed in the settlement of such claim, be returned to the persons entitled thereto upon written request therefor; and whenever papers so returned constitute part of the material and essential evidence in a claim, photostat or other copies of the same, or of such parts thereof as may appear to possess evidential value, shall be retained in the case.

§ 29.12 Joint and survivorship annuities. (a) The option to receive joint and survivorship annuity may be exercised only by employees retiring under the age or optional provisions of the Retirement Act. This applies to annuities purchased by voluntary deposits as well as the regular annuities.

(b) Any natural person may be designated as survivor annuitant under the joint and survivorship option. No more than one person may be named as survivor annuitant. The designation of a contingent survivor annuitant will not

be accepted, and any such designation shall be null and void.

(c) Communication of the choice of option shall be made over the signature of the applicant on Form 3001 for use in filing claim for annuity. Receipt of a communication as set forth in this paragraph shall constitute prima facie evidence of the existence of all the elements of an election. Whenever such prima facie evidence becomes conclusive or is confirmed as hereinafter provided, an election shall have been made.

(d) Upon receipt of such communication, the Commission will advise the individual of the nature of the transaction, giving full details with respect thereto, and will solicit his confirmation of the existence of all the elements of an election. Upon receipt of such confirmation on Form 3001-A, an election shall be established as having been made as of the effective date of retirement, provided more than 30 days has elapsed from such effective date, but no such election shall be considered as having been conclusively established prior to final adjudication of the claim by the Commission.

(e) In the event of death of the designated survivor annuitant or for other good cause shown prior to final adjudication of the claim by the Commission, a new survivor annuitant may be substituted or the employee may change his election of the type of annuity selected.

(f) In any case in which an election has been conclusively established pursuant to the regulations under this section, the election, including the designation of survivor annuitant, cannot be revoked or changed.

(g) The death of a designated survivor annuitant subsequent to the final adjudication of the claim, shall not operate to cancel the election, and payments to the former employee shall continue as though the death had not occurred.

(h) Annuity payments to the survivor annuitant shall become effective on the day following the death of the former employee.

(i) The conclusive establishment of an election to receive a joint and survivorship annuity shall cancel any designation of beneficiary previously made by the employee, and any annuity accrued and unpaid at the date of death of the former employee shall be payable to the survivor annuitant named under said election.

(j) Proof of date of birth of the designated survivor annuitant shall be required prior to the adjudication of the annuity claim in all cases of election to receive joint and survivorship annuity.

§ 29.13 Making of voluntary deposits. (a) The option to make voluntary contributions to the civil-service retirement and disability fund for the purchase of additional annuity shall be limited to those employees serving within the purview of the Retirement Act and shall be made on the form prescribed by the Commission.

(b) No voluntary contributions shall be accepted from an employee who has failed to redeposit a refund required by section 12 (b) of the act of May 29, 1930, as amended, and/or who is otherwise indebted to the civil-service retirement and disability fund.

(c) Each voluntary contribution shall be made in the amount of \$25.00 or multiple thereof, not to exceed 10 percent of aggregate annual basic salary, pay, or compensation received since August 1, 1920, by money-order, draft, or check made payable to the Civil Service Commission, Washington, D. C.

(d) Voluntary contributions may be withdrawn only in case of transfer to a position wherein the member does not retain his status under the Retirement Act, absolute separation from the service prior to becoming eligible for retirement on annuity, or death.

(e) The Retirement Division of the Civil Service Commission shall maintain the record and account of voluntary contributions of each employee exercising the option to make such contributions.

§ 29.14 Purchase of additional annuity. (a) Voluntary contributions may be used to purchase only such types of annuity as are specifically defined by the act of May 29, 1930, as amended by the act of August 4, 1939.

(b) Any employee retiring under the provisions of the act of May 29, 1930, as amended, who has made voluntary contributions in the Civil Service Retirement and Disability Fund as authorized by section 4 of the act of August 4, 1939, may purchase therewith at the time of retirement any one of the following types of annuity:

(1) Life annuity providing for return of unexpended principal; or,

(2) Increased annuity with forfeiture of unexpended principal; or

(3) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death annuity in equal amount to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement; or,

(4) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death one-half of such reduced annuity to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement.

(c) Any natural person may be designated as beneficiary under paragraph (b) (3) or (4) of this section.

(d) The annuity values based upon the mortality tables submitted by the Board of Actuaries on November 24, 1939, are hereby approved for use in computing annuities based on voluntary contributions made under the provisions of the act of August 4, 1939, in the same way and manner as they are used in computing regular annuities.

§ 29.15 Appeals. (a) An appeal may be taken to the Civil Service Commission, from the final action or order of the Retirement Division affecting the rights or interest of any person or of the United States under the civil-service re-

tirement law, except as provided in this section.

(b) Appeals must be filed by a claimant or a duly accredited representative, but no appeal shall lie to the Commission's Board of Appeals and Review until action has been completed by the Retirement Division. An appeal taken in behalf of a claimant by or through a representative who is not recognized by the Commission, or whose recognition has been canceled, shall not be entertained.

(c) (1) Except as hereinafter ordered, the time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(2) In applications for disability retirement made by a department or establishment of the Government the time for filing an appeal shall be not later than 30 days from date of receipt of notice of final action or order.

(3) In cases of disability annuitants who are found upon medical examination to have recovered, the time allowed for filing an appeal shall be no later than 90 days from the date of final notice of proposed discontinuance of annuity.

(4) In simultaneously contested claims, where one is allowed and one rejected, the time allowed for the filing of an appeal shall be not later than 60 days from the date of receipt of the notice of the Commission's action by the claimant to whom the action is adverse. Upon the filing of an appeal all parties, other than the appellant, whose interests may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the receipt of such notice within which to file brief or argument in answer thereto before the appeals are forwarded to the Board of Appeals and Review. The return of a registered letter unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(d) Each appeal shall show the name and post-office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) In proceedings before the Commission in which it shall be decided that a party has no right to appeal or that said appeal may not be entertained under the provisions of this section, such party may apply to the Commissioners for an order directing the Retirement Division to forward the record to the Board of Appeals and Review. Such application shall be in writing and shall fully and specifically set forth the grounds upon which the request is based. If upon consideration the application is granted, jurisdiction shall vest in the Board of Appeals and Review to dispose properly of the case.

(f) The mandate of the decision by the Board of Appeals and Review shall be carried into effect within 60 days from the date of the receipt of notice of the decision by the Retirement Division (except as hereinafter provided), unless the decision shall sooner be recalled. A proper explanation of the decision ren-

dered shall be mailed to the appellant and/or his duly authorized representative by the Board of Appeals and Review.

(g) In any case involving conflicting claims of two or more parties wherein the time allowed for appeal is limited to 60 days, there shall be a stay of execution of the decision of the Board of Appeals and Review until the expiration of the period of 30 days within which a motion for reconsideration may be filed.

(h) No appeal will be considered by the Civil Service Commission to review the decisions of the Secretary of the Interior prior to July 21, 1930, or of the Administrator of Veterans' Affairs prior to September 1, 1934, on civil-service retirement cases except where upon the basis of newly discovered material evidence, the case has been reconsidered by the Retirement Division. In the latter event, the provisions of this section shall apply.

§ 29.101 *Basic records*—(a) *Records to be kept.* The administrative offices of the departments and independent agencies shall initiate and maintain as hereinafter provided a retirement record system which will furnish all required information for each employee subject to the provisions of the Civil Service Retirement Act, and which shall form the basic record for all retirement purposes. The basic record shall consist of an individual retirement account for each employee and an annual summary of retirement fund transactions. (Supported by an adjustment registered when necessary.)

(b) *Individual account.* The individual retirement account, Civil Service Commission Form 2806, shall be established for each employee in the Government service who is subject to the provisions of the Civil Service Retirement Act, and shall be maintained by the employing department or agency. The retirement account (supplemented by the designation of beneficiary, Form 2806-1, maintained in the Retirement Division of the Civil Service Commission) shall be the basic record from which the rights of individuals under the Retirement Act shall be determined, and shall be used to support all payments from the Civil Service Retirement and Disability Fund. Each retirement account shall contain the following detailed information and such other data as may from time to time be deemed essential by the Civil Service Commission to a proper determination of rights under the Retirement Act:

(1) Present name of employee and reference to any other name under which service was rendered.

(2) Date of birth.

(3) Sex.

(4) All periods of employment. (For the duration of the present emergency, due to the inability of most war agencies to maintain currently, and to supply completed retirement account cards (Form 2806), all known periods of Federal employment will be posted. Prior government employment may be noted as "Not Verified". Employment within the agency shall be certified as to completeness and accuracy.)

(5) Reference to all periods of military or naval service claimed.

(6) All periods of leave without pay in excess of an aggregate of six months in any calendar year.

(7) A complete accumulative record of retirement deductions covering service in the agency by calendar years.

(8) Citation as to vouchers and appropriations involved in any adjustment of illegal dual service.

§ 29.102 *Maintenance of individual retirement account*—(a) *Standard abbreviations.* All appointments, separations and changes in status, etc., shall be recorded on the retirement account in accordance with the standard abbreviations for personnel changes as outlined in Civil Service Form No. 2822, Revised.

(b) *Posting retirement deductions, deposits and redeposits.* At the end of each calendar year the total retirement deductions taken from the salary or compensation, the amount of tontine included therein (see § 29.105), and the resulting net credit for the year, shall be posted from the payroll posting media for each employee to the appropriate columns on the fiscal side of his retirement account, the previous year's balance brought forward and the total credit entered.

The beginning date of deductions for each period of service shall be shown in the "remarks" column on the fiscal side of the retirement account card. Example: "Ded. began 9-1-38."

In no case shall voluntary deposits made under the provisions of section 4 of the Act of August 4, 1939, be entered on Form 2806. The record and account of voluntary deposits under that Act shall be maintained by the Retirement Division of the Civil Service Commission.

(c) *Posting service record.* Those agencies which maintain the service history side of the retirement account shall record all appointments, changes in status, changes in salary or rate of pay, and any other pertinent information on the service history side of the card in the appropriate columns. Those agencies which maintain only the fiscal record will record the date and kind of appointment, the designation and office of employment in the space provided in the upper right hand corner on the fiscal side of the card. In either type of record there shall also be shown any leave of absence without pay in excess of six months in the aggregate in any calendar year, it being borne in mind that the provisions of section 5 of the Retirement Act with regard to exclusion of leave in excess of six months in computing annuitable service applies to the calendar year and not to the fiscal year.

When establishing a record the agency shall also enter on the card whatever information is available within the agency—for example, information in the employee's application for employment—as to prior unverified service in other agencies. This statement of prior service in other agencies shall be noted "not verified."

When furnishing the record of an employee compensated on a w. a. e. (when actually employed) basis, the total number of days on which he was in a pay status shall be clearly indicated by calendar years. Where employment was

on a regular per diem or per hour basis it shall be shown whether the service was on the basis of a 365-day year; 313-day year; 261-day year, or other period.

(d) *Use of margins.* All entries shall be kept within the lines ruled on the card if possible, and nothing written in the margins, particularly the right and left margins. If necessary a second line shall be used instead of the margins. (In using the record it is frequently perforated in the margin to be bound in the file, which may obliterate any entry in the margin or cause it to be obscured from view.)

(e) *Changes and erasures.* Any change or erasure of date, salary or cause of separation on the service history side of Form 2806, or any change or erasure of date in column 1 or of amount in columns 2 or 3 on the fiscal side shall be noted and initialed by the countersigning or certifying officer, or person designated by him, as near as possible to the item corrected. Certification shall occupy as little space as possible, and shall show the date, salary, amount, or cause of separation to which changed. Small rubber stamps are desirable. The following or similar forms shall be used: "Date changed to 4-16-38." "Amt. changed to \$1860." "Cause of separation changed to Res."

(f) (1) *Completion and furnishing of record upon separation.* Immediately upon the separation of an employee from the service of any department or agency the retirement account shall be completed to date, and the cause and date of separation recorded. The account shall then be certified as to its correctness, proper entry therefrom made on the register of separations as provided in paragraph (c) of § 29.107, and forwarded at once to the Civil Service Commission, together with any claim that may be on file at that time. In no case shall the retirement account be held in a department or agency awaiting the receipt of a claim.

(2) In recording a separation the facts in each individual case shall be given briefly, but in sufficient detail for the Commission to determine whether the separation was voluntary or involuntary, and if involuntary, whether for misconduct or delinquency within the meaning and intent of the Retirement Act. In any case where separation occurs for reasons other than voluntary (resignation) a brief but clear statement of the facts shall be recorded on the retirement account, or a written statement in appropriate form attached thereto when forwarded to the Commission. (It is necessary to consider not merely the form in which the separation was accomplished, but the conditions which induced the result. As generally used for retirement purposes the term "voluntary" denotes a separation from the service at the desire and for the convenience of the employee, while the term "involuntary" contemplates a separation for administrative reasons, such as lack of work, reduction of force, or a separation against the will or without the consent of the employee.)

(3) Not less than six months preceding eligibility for retirement (age), or whenever an employee requests optional

retirement, a letter shall be directed to the Civil Service Commission, Retirement Division, listing the employee's unverified prior service in other agencies. The Commission will then obtain verification of this service and forward it to the requesting agency. An application for disability retirement, when submitted to the Retirement Division of the Civil Service Commission, must be accompanied by a letter listing the employee's unverified prior service in other agencies.

(4) When an employee is dropped for retirement on account of disability the date on which pay ceased shall be shown under "remarks" on the fiscal side of his retirement account card.

(5) When an employee is separated by death the 5% of salary to date of death shall be included in his retirement account in accordance with General Accounting Office Regulation No. 54, Supplement No. 9, dated May 27, 1936. No retirement deductions shall be withheld from lump sum payments in lieu of accumulated or accrued annual leave under the act of December 21, 1944 (Public Law 525). If the employee was in a non-pay status at the time of death the period involved shall be stated. The claim for refundment of retirement deductions is separate and distinct from the claim for residue of salary, and shall not be held pending settlement of the claim for residue of salary unless there is some question as to the amount due.

(g) *Certification of record.* Certification shall be made on the line next following the last entry on the fiscal side of the card, but it shall also cover the data shown on the service history side as indicated in the following form of certification:

Deductions and service certified correct.
Signature and title of designated official.
Date _____
(See § 29.103.)

(h) *Accounts with various funds maintained separately.* Accounts for the Civil Service Retirement and Disability Fund, the Canal Zone Retirement and Disability Fund and the Alaska Railroad Retirement and Disability Fund are maintained separately. Amounts deducted for the different funds shall not be consolidated on the employee's retirement account. When an employee goes from a position within the purview of one law to a position within the purview of another law the second office shall not take up in its accounts the amount of retirement deductions to the employee's credit when he left the former position. In such cases the employee concerned should obtain a refund of the retirement deductions taken while in the first position, and if he so desires, he may make application for the purchase of service credit under the act covering his new position.

§ 29.103 *Certifying officers; signature cards.* Certification as to the correctness of retirement records shall be made by officials regularly designated by the head of the department or agency. The Retirement Division of the Civil Service Commission shall be furnished with duly authenticated signature cards in triplicate on Retirement Form 3420 for each designated official. The heads of the

various departments and agencies shall promptly advise the Commission of any change in certifying officers.

§ 29.104 *Retirement deductions—(a) Coverage.* The Retirement Act requires that retirement deductions shall be taken currently from the compensation of each employee coming within the purview thereof.

Retirement deductions shall be taken from the basic salary, pay or compensation of all appointive officers and employees in or under the executive, judicial, and legislative branches of the United States Government who are not subject to another retirement system for such personnel, except employees excluded by Executive order. The same is true with respect to all officers and employees of the municipal government of the District of Columbia not subject to another retirement system for such persons.

(b) *Employees excluded by Executive order with certain exceptions.* Employees given temporary appointments for 1 year or less, certain employees paid on a when-actually-employed basis without regular tour of duty, contract and fee-basis employees, etc., were excluded by Executive Order 9154 dated May 1, 1942. This order as amended by Executive Order 9824, January 28, 1947, reads as follows:

(1) Employees in the following classifications of Federal personnel in the Executive branch of the Government are hereby excluded from the operation of the said Retirement Act, unless eligible for retirement benefits by continuity of service, by reinstatement, or otherwise:

(a) Employees whose expected service will be for brief periods but not to exceed one year.

(b) Employees paid by the hour, day, month, or year when actually employed, whose employment is periodic, part-time, or recurrent and for whom a regular tour of duty is not contemplated.

(c) Employees and consultants paid on a contract or fee basis.

(d) Employees paid on a piece-work basis, except when serving under regular or permanent appointment.

(e) Cooperative employees not wholly under the control of the Federal Government and not otherwise subject to the Civil Service Retirement Act.

(f) Officers and employees without compensation or with nominal compensation of \$12.00 or less per annum.

(g) Intermittent alien employees engaged on work outside the continental limits of the United States.

(h) Member and patient employees in Government hospitals or homes.

(i) Employees serving under temporary appointments pending final determination of their eligibility for permanent or indefinite appointment.

(j) Acting postmasters, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.

(k) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946, Public Law 724, 79th Congress (added by E. O. 9824).

(2) The Civil Service Commission is authorized to determine the applicability of the above classifications to specific officers and employees or groups of officers and em-

¹ Certain legislative employees have the right of election to come under the system. (50 Stat. 512; 56 Stat. 13.)

employees in the Executive branch of the Government.

(3) This order shall be effective as of January 24, 1942, except that it shall not be so construed as to defeat any retirement rights of officers and employees acquired before the date of this order.

By the terms of the order, employees in any of the categories listed therein have a retirement status if they are eligible for retirement benefits by continuity of service, by reinstatement, or otherwise. Such employees continue under the system until they become absolutely separated from the Government service or are transferred to a position under another Federal retirement system.

§ 29.105 *Tontine; based on pay status in calendar month.* The phrase "major fraction thereof" as used in section 12 (a) of the Retirement Act has reference to the major fraction of the calendar month. The retention of \$1 is predicated upon the receipt of salary, pay or compensation, from which retirement deductions have been withheld, and tontine during a calendar month is determined on a pay status when making an accounting for retirement deductions.

There is no separate tontine fund. The total deductions for the calendar month less the sum of \$1 shall be credited to the employee's individual account whenever the employee is in a pay status for more than one-half of such month. If an employee is in a pay status for the major fraction of a calendar month and the total retirement deductions covering such month amount to less than \$1, the total amount deducted shall be recorded as a credit to the retirement fund without any credit to the employee's individual account. An employee who is on the rolls in a pay status for one-half month or less shall receive credit in his individual account for the full amount of retirement deductions taken for such period.

§ 29.106 *Reemployed annuitants.* When an annuitant receiving annuity under any provision of the Retirement Act is reemployed, the Commission shall be immediately informed of that fact, and advised as to the date of reemployment and whether such reemployment is of a permanent or temporary nature. This is imperative in order to prevent concurrent payment of annuity and salary.

§ 29.107 *Reports of retirement fund transactions—(a) Reports to be submitted.* In addition to the individual retirement account, each department or independent agency shall maintain a register of employees appointed thereunder, a register of employees separated therefrom, and a register of adjustments, and shall submit annually a summary of retirement fund transactions. The annual summary of retirement fund transactions, Form 2807-2, shall be submitted as soon as possible after the close of each calendar year, accompanied by a register of adjustments on Form 2807-1, where adjustments of prior reports are necessary. Such records shall be made in duplicate, the original forwarded to the Commission and the carbon retained by the office maintaining the record. In the

event a department finds it expedient to maintain its individual retirement accounts in the various bureaus, annual summaries of retirement fund accounts shall be consolidated into one summary before submission to the Commission.

(b) *Register of appointments.* A register of appointments shall be maintained on Form 2807, or acceptable substitute, recording the unrefunded deductions to the credit of the employees appointed during the year as shown on any individual retirement accounts (Form 2806) received for such employee. (If no individual retirement account is received, no entry on the appointment register is necessary.) If Form 2807 is used, no entry shall be made in columns 2, 3, and 4. The name of the employee shall be entered in column 1 and the amount of unrefunded retirement deductions to his credit at the time of appointment as shown by his individual account shall be entered in column 5. The total of all entries in column 5 for the calendar year shall be used to support the entry "Register of Appointments" on the annual summary and must be in agreement therewith.

(c) *Register of separations.* A register shall be maintained on Form 2807, or acceptable substitute of all separations during the calendar year. When Form 2807 is used as a register of separations the name of the employee separated shall be entered in column 1 and the total deductions remaining to the credit of the employee at separation as shown by the last entry on his individual account shall be entered in column 5. (Columns 2, 3, and 4 may be used by those offices which desire to so record the information regarding current deductions.) In no case shall tontine be included in the net credit of the employee, either on his retirement account or on the register of separations, regardless of the cause of separation. The final total of column 5 shall be used to support the entry "Register of separations" on the annual summary, and must be in agreement therewith. In case of transfer from one bureau to another in the same department no entry shall be made on either the appointment or separation register unless the accounts are maintained and reports submitted by bureaus as specified in paragraph (a) of this section.

(d) *Register of adjustments.* The register of adjustments (Form 2807-1) is prescribed to provide an adequate medium for posting in the control accounts any corrections of prior reports. Any correction of individual retirement accounts necessitating a change in any of the amounts shown on a previous annual summary of retirement fund transactions shall be noted on the register of adjustments so as to show the name of the employee concerned, any increase or decrease in gross deductions or tontine and the resulting net increase or decrease in the net balance of the employee's individual account in each case, together with a citation as to the calendar year in which the error occurred. The character of the error in each case shall be recorded in the explanation column of the register in sufficient detail to afford a basis for the proper bookkeeping entry. When an

adjustment of the account is occasioned by an adjustment of the retirement fund, the explanation shall include citations of the appropriation symbols of the accounts affected, and the dates and numbers of vouchers or other documents used as posting media. It is preferable that increases be shown in black and decreases in red, but any other distinct method will be acceptable. The final result of the net deductions column shall be used to support the fourth item on the annual summary, and shall be in agreement therewith.

(e) *Annual summary of retirement fund transactions.* The annual summary of retirement fund transactions Form 2607-2 has been prescribed to provide a uniform method of summarizing retirement fund transactions. For the present the first and second columns will be used only in reporting item 6.

The summary for each calendar year shall bring forward in the third column the balance at the close of the preceding calendar year as shown by the last entry on the summary submitted for that year. Item 2, "Register of appointments" shall be posted from the register of appointments and shall agree therewith. The total adjustments of prior fiscal year reports shall be posted in the third column under item 4. Under item 6 "Current calendar year payroll deductions" there shall be entered in the first column all deductions taken on the payroll during the calendar year for credit to the retirement fund; the amount of tontine included therein shall be entered in column 2, and the net credit extended to column 3. The totals in column 6 shall agree with the total current year's postings to the individual retirement accounts of employees, including the accounts of employees separated during the year.

Any adjustment for the current calendar year which cannot be properly taken care of under some calendar year item may be entered under item 9, in which event a separate adjustment register shall be submitted to cover this item. The total as shown on the register of separations shall be entered under item 12 as a deduction from the total to be accounted for, and the balance brought down under item 13, which item shall agree with the aggregate of balances on the individual accounts of employees still on the rolls at the close of the calendar year for which the report is submitted.

§ 29.108 *Set-off on account of indebtedness to the Government.* It is incumbent upon the Civil Service Commission when adjudicating claims for retirement credits due former employees to make proper set-offs from the total amounts due of any unliquidated amounts chargeable to such employees on account of advance payments for unearned annual or sick leave, overpayment of salary, or other indebtedness to the Government.

In filing claims for reimbursement on account of overdrawn leave the agencies concerned shall execute Form 3037 (Statement of Account of Overdrawn Annual and/or Sick Leave) in duplicate. In all cases involving withholding tax the amount of tax deductions included in the overpayment shall be entered directly below the space provided for gross

indebtedness so that the form will show the total amount due the appropriation, the amount of tax reductions, and the balance for recovery from the retirement fund. The report shall show whether the amount of tax deductions has been taken up as Internal Revenue Collections or is being held in a special deposit account, in which case the special deposit account shall be fully identified. In each case involving withholding tax one copy of Form 3037 shall be forwarded to the General Accounting Office, Claims Division, at the same time the claim against the retirement fund is forwarded to the Commission. In all other cases both copies shall be forwarded to the Commission. Claims forwarded to the Commission should be attached to Form 2806 whenever possible.

Claims for set-off on account of indebtedness to the Government for reasons other than overdrawn leave shall be submitted to the Commission on Form 3037, in duplicate, setting forth all pertinent facts in the case, including the amount to be recovered.

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

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30.101 Definitions.

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AUTHORITY: §§ 30.101 to 30.602, inclusive, issued under sec. 7.1, E. O. 9414, Jan. 13, 1944, 3 CFR 1944 Supp.

SUBPART A—DEFINITIONS

§ 30.101 *Definitions.* (a) "Employee" and "employees" include officer and officers, respectively.

(b) "Permanent employees" are those appointed without limitation as to length of service, or for definite periods in excess of one year, or for the "duration of the job," or for the duration of the present war and for six months thereafter; and those who, although paid only when actually employed, are continuously employed for a period of not less than one month, as distinguished from part-time or intermittent employees.

(c) "Temporary employees" are those appointed for definite periods of time not exceeding 1 year.

(d) "Accumulated leave" means the unused leave remaining to the credit of the employee at the close of any calendar year.

(e) "Court leave" means leave for attending court as a witness on behalf of the United States or the government of the District of Columbia, or for jury duty.

(f) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner, certifying to the period of disability of the patient while he was undergoing professional treatment.

(g) "Month of service" means a period in a pay status covering a full calendar month or beginning on any date of a calendar month and ending at the close of business of the preceding date in the next calendar month.

(h) "Contagious disease" means a disease ruled as subject to quarantine as defined by the health authorities having jurisdiction.

SUBPART B—ANNUAL LEAVE

§ 30.201 *Accrual of annual leave.* Annual leave shall be credited to employees as follows:

(a) Permanent employees shall be credited with leave at the rate of 1 day per bi-weekly pay period; or, the total credit for any calendar year may be given at the beginning of the calendar year in which it accrues. The minimum credit for leave shall be 4 hours, and additional credits shall be in multiples thereof.

(b) Effective July 1, 1946, employees, other than temporary employees, who are paid only when actually employed, and who serve any continuous period of not less than one month, shall earn and be credited with leave on the same basis as other permanent employees, at the rate of one day per bi-weekly pay period during the entire period of continuous service. Credits for such employees shall be in multiples of 4 hours.

§ 30.202 *Accumulated annual leave.* Accumulated annual leave may be carried forward for use in succeeding years until it totals not exceeding 60 days: *Provided*, That additional leave up to 30 days which was accumulated during the emergency period from September 8, 1939, to July 25, 1947, and which remains unused, may be carried forward into succeeding years until used.

§ 30.203 *Grant of annual leave.* Annual leave shall be granted to an em-

ployee at such times as the heads of the departments and agencies may prescribe: *Provided*, That an employee who is to be placed on furlough in contemplation of separation by reduction of force shall be granted immediately prior to furlough, upon his request, any annual leave to which he is entitled. Permanent employees during the first year of service shall not be granted leave in excess of the amount accrued to their credit. Temporary employees shall not be granted leave until immediately prior to the end of the month in which it is earned. The minimum charge for annual leave shall be one hour, and additional leave shall be charged in multiples of one hour.

§ 30.204 *Court leave.* When an employee is absent from duty and in attendance in court as a witness in behalf of the United States or the Government of the District of Columbia, or for jury duty in any State court or court of the United States, the absence from duty shall not be charged against annual leave but should be recorded as "court leave."

SUBPART C—SICK LEAVE

§ 30.301 *Accrual of sick leave.* (a) Permanent employees shall be credited with sick leave at the rate of 1½ days per month, which may be credited at the beginning of the calendar month, or at the beginning of the first pay period following the first day of the calendar month. The minimum credit for sick leave shall be one hour, and additional credits shall be in multiples thereof.

(b) Effective July 1, 1946, employees, other than temporary employees, who are paid only when actually employed, and who serve any continuous period of not less than one month, shall earn and be credited with sick leave on the same basis as other permanent employees, at the rate of 1½ days per month during the entire period of continuous service. Credit for such employees shall be in multiples of one hour.

(c) Temporary employees shall be credited with 1½ days of sick leave for each month of service.

(d) Sick leave accruing during any month of service shall be available at any time during that or any subsequent month.

(e) Because of the difference in crediting sick leave to temporary and permanent employees the following method shall be followed in crediting sick leave when a temporary appointment is converted to a permanent appointment prior to the end of the service month: Service as a permanent employee shall be counted as temporary service for the purpose of completing the month of service. Sick leave shall thereafter be credited as a permanent employee.

§ 30.302 *Accumulated sick leave.* Unused sick leave shall be cumulative and available for future use: *Provided*, That the balance to the credit of the employee at the end of any month shall not exceed 90 days.

§ 30.303 *Grant of sick leave.* Sick leave shall be granted to employees when they are incapacitated for the perform-

ance of their duties by sickness, injury, or pregnancy and confinement, or for medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others. The minimum charge for sick leave shall be 1 hour, and additional leave shall be charged in multiples of 1 hour.

§ 30.304 *Notification of superior.* An employee who is absent on account of sickness shall notify his supervisor as early as practicable on the first day of such absence, or as soon thereafter as possible. Failure to give such notice may result in the absence being charged to annual leave or leave without pay, as the circumstances may justify. Requests for sick leave for medical, dental, or optical examination or treatment shall be submitted for approval prior to the beginning of the leave.

§ 30.305 *Application for sick leave.* Written application on the prescribed form for grant of sick leave shall be filed within 2 days after the employee returns to duty. For periods of absence of three work days or less the agency may accept the employee's certification as to the reason for the absence. For periods of absence in excess of 3 work days the application must be supported by a medical certificate, or other evidence administratively acceptable, which must be filed within 15 days after return to duty: *Provided*, That in lieu of a medical certificate, a signed statement of the employee indicating the nature of the illness and the reason why a medical certificate is not furnished may be accepted whenever it is unreasonable to obtain such certificate because of a shortage of physicians, remoteness of locality, or because the circumstances surrounding the employee's illness do not require the services of a physician. The agency shall determine administratively whether the statement of the employee in lieu of a medical certificate shall be considered sufficient evidence to support the request for sick leave.

§ 30.306 *Sickness during annual leave.* When sickness occurs within a period of annual leave and lasts 5 or more consecutive work days, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. Application for such substitution of sick leave for annual leave shall be made within 2 days after return to duty and shall be supported by a medical certificate, or other evidence administratively acceptable to the same extent as provided in § 30.305.

§ 30.307 *Sick leave advanced.* In cases of serious disability or ailments, and when the exigencies of the situation so require, sick leave may be advanced to permanent employees not in excess of 30 days: *Provided*, That no advances of sick leave shall be made to any employee unless the absence from duty on account of illness is for a period, or periods, of 5 or more consecutive work days; that

every application for advance leave shall be supported by a medical certificate; that the total of such advances shall be charged against sick leave subsequently credited. Sick leave may be advanced irrespective of whether the employee has annual leave to his credit.

§ 30.308 *Sick leave not advanced.* Sick leave shall not be advanced to an employee holding a limited appointment, or one expiring on a specified date, in excess of the total sick leave that would accrue during the remaining period of such appointment.

SUBPART D—GENERAL PROVISIONS

§ 30.401 *Change in hours of duty.* Whenever the number of hours of duty in an employee's work day is permanently changed the leave standing to his credit shall be converted to the proper number of hours based upon the new work day.

§ 30.402 *Leave-with-pay status.* (a) Leave shall accrue to an employee while in a leave-with-pay status, provided he returns to duty, or provided that failure to return to duty is due to death, disability (evidence of which shall be supported by an acceptable medical certificate), retirement for disability, or reduction in force.

(b) Employees who entered military, naval or merchant marine service between January 13 and December 21, 1944, and who are restored in accordance with statutory provisions after such service may be credited with leave accrued during the period of terminal leave granted immediately prior to entry into active military, naval, or merchant marine service.

§ 30.403 *Nonpay status.* Whenever a permanent employee's absence in a non-pay status totals the equivalent of the base-pay hours in 1 bi-weekly pay period, the credits for annual leave shall be reduced 1 day and for sick leave $\frac{1}{2}$ day for each such period. The total deductions in sick leave credits on account of non-pay status in any one calendar year shall not exceed 15 days: *Provided*, That when an employee absent because of injury received in line of duty requests to be carried on leave-without-pay, he shall, upon his return to duty, receive credit for accrued leave covering the period for which he was paid disability compensation by the Employees' Compensation Commission.

§ 30.404 *Days for which leave charged.* Leave shall be charged only for absence upon days which an employee would otherwise work and receive pay and shall be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all nonwork days established by Federal statute or by Executive or administrative order: *Provided*, That when a holiday is declared by general administrative orders to be a work day, an employee who absents himself from work without permission that day shall be subject to a deduction of 1 day's pay.

§ 30.405 *Absences of less than 30 minutes.* Under ordinary circumstances unavoidable or necessary absence from duty not in excess of 30 minutes, and

tardiness, shall be excused for adequate reasons, or handled administratively by requiring additional work, or by a charge against any compensatory time which the employee may have to his credit as a result of overtime previously worked. In the event that this privilege is abused such absences, and tardiness, shall be handled administratively by a charge against annual leave, or by disciplinary action.

§ 30.406 *Separation of employees indebted for unearned leave.* In case of the separation of an employee who is indebted for unearned leave, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any salary due him. This section shall not apply in cases of death, retirement for disability, or reduction of force, or in case an employee is unable to return to duty because of disability, evidence of which shall be supported by an acceptable medical certificate.

§ 30.407 *Leave without pay.* Leave without pay may be granted to an employee for a period not exceeding 12 months regardless of whether he has leave standing to his credit: *Provided*: That an employee absent because of injuries received in line of duty may be carried on leave without pay for the period for which he is paid disability compensation by the Employees' Compensation Commission.

§ 30.408 *Disposition of sick leave account on transfer.* When an employee is appointed, reappointed, or transferred to another position with no break in service, or a break of less than 90 days, or within one year after notice of proposed separation by reduction in force, his sick leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the sick leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed, reappointed, or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his sick leave account and if he is subsequently appointed, reappointed, or transferred to a position within the purview of such acts, with no break in service or a break of less than 90 days, the leave shown to be due shall be credited to his account.

§ 30.409 *Disposition of annual leave account on transfer.* When a permanent employee is appointed, reappointed, or transferred to another position as a permanent employee within the purview of the leave acts of March 14, 1936, with no break in service, his annual leave account shall be certified to the employing agency for credit or charge to the employee.

§ 30.410 *Transfer from position not within purview of leave acts to position within purview of leave acts.* Any person who was appointed, reappointed, or transferred prior to January 1, 1945, to a position not within the purview of the leave acts of March 14, 1936, who is or has been appointed, reappointed, or

transferred to a position within the purview of such acts with no break in service, or with a break of less than 30 days if the reappointment occurred between December 31, 1944, and March 1, 1946, or less than 90 days if the reappointment occurred on or after March 1, 1946, shall be credited with the leave shown to be due.

§ 30.411 Restoration of veterans. (a) Any permanent employee who leaves or has left a position to enter military, naval, or merchant marine service, and is or has been reemployed as a permanent employee within 120 days after his release from military, naval, or merchant marine service, shall be entitled to such leave as remained to his credit.

(b) Any permanent employee who is or has been restored to a position as a result of appeal under section 14 of the Veterans' Preference Act of 1944, or as a result of formal appeal under any other authority or procedure, shall be entitled to any annual or sick leave which remained to his credit upon separation.

SUBPART E—ADMINISTRATION

§ 30.501 Responsibility for administration. The heads or governing bodies of the various governmental agencies to which this part applies shall be responsible for the proper administration of this part so far as they pertain to employees under their respective jurisdictions, and they shall maintain an account of leave for each employee in accordance with methods prescribed by the General Accounting Office.

§ 30.502 Employees who have uncommon tours of duty. The head or governing body of any governmental agency which has employees who work 24-hour shifts, or other uncommon tours of duty, is authorized to promulgate supplemental regulations consistent with the regulations in this part for administering leave for such employees.

§ 30.503 Employees outside the continental United States. Nothing in this part shall be construed to prevent the continuance of any leave differential existing prior to January 1, 1936, for the benefit of employees of the Federal Government stationed without the continental limits of the United States. However, any department may, if it so desires, apply the regulations in this part to employees' stationed without the continental limits of the United States, subject to the continuance of such leave differential.

SUBPART F—EMPLOYEES EXCEPTED

§ 30.601 Employees excepted. (a) Teachers and Librarians of the public schools of the District of Columbia.

(b) Officers and employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama.

(c) Temporary employees engaged on construction work at hourly rates.

(d) The Postmaster General and officers and employees in or under the Post Office Department, except those serving in the departmental service and in the Mail Equipment Shops.

(e) Employees not required to be continuously employed during regular tour of duty, such as (1) per diem or per hour

employees engaged in an emergency who may be employed for more than one 7- or 8-hour shift within 24 hours during the emergency; (2) part-time or intermittent employees; (3) persons engaged under contract; (4) employees engaged temporarily for less than a month on a piece-price basis; (5) employees who are paid at hourly rates but who are not engaged on construction work, such as mechanics, skilled laborers, and others engaged in various services on maintenance, repair, clean-up work, etc., where employment is more or less intermittent and not on a regular and continuous basis; (6) consultants employed and paid on the basis of "when actually employed"; and (7) employees paid on a fee basis, such as physicians, surgeons, and other consultants.

(f) Alien and native labor employed outside the continental limits of the United States: *Provided*, That the head or governing body of any governmental agency which employs alien and native labor outside the continental limits of the United States may promulgate regulations governing the granting of leave to such employees.

§ 30.602 D. C. Police and Fire Departments. The regulations in this part relating to sick leave shall not apply to officers and members of the Police and Fire Departments of the District of Columbia other than civilian personnel.

PART 31—EFFICIENCY RATINGS BOARDS OF REVIEW

- Sec.
- 31.1 Establishment.
 - 31.2 Jurisdiction and number.
 - 31.3 Members.
 - 31.4 Appeals.
 - 31.5 Appeal period when efficiency rating is "unsatisfactory."
 - 31.6 Hearings.
 - 31.7 Decisions.
 - 31.8 Extent of regulations.
 - 31.9 Effective date of regulations.

AUTHORITY: §§ 31.1 to 31.9, inclusive, issued under 42 Stat. 1490, as amended; 5 U. S. C. 669.

§ 31.1 Establishment. There shall be established in each department and independent establishment having positions and employees subject to section 9 of the Classification Act of 1923, as amended, one or more boards of review for the purpose of considering and passing upon the merits of efficiency ratings assigned to such employees.

§ 31.2 Jurisdiction and number. The head of each department or independent establishment shall determine the number and jurisdiction of boards of review to be established within his department or establishment, subject to the approval of the Civil Service Commission. The jurisdiction of each board of review shall be specific and shall be exclusive of that of any other such board.

§ 31.3 Members. (a) Each board of review shall be composed of three members, and there shall be an alternate member provided for each principal member who shall serve during the absence of such principal member or when the principal member is unable to serve for any other reason and who shall succeed the principal member in the event

that he is unable to serve to the end of his term of office. Where necessary in the interest of good administration, and in order to expedite the consideration of cases, an additional alternate member may be designated for each principal member. Members of boards of review and alternate members shall be appointed or designated for terms expiring June 30 subsequent to their appointment or designation: *Provided*, That they may continue to serve until their successors are appointed or designated.

(b) One member of each board of review and alternates to such member (to be known as department member and alternate department members) shall be designated by the head of the department or establishment served by such board.

(c) Another member of each board of review and alternates to such member (to be known as employee member and alternate employee members) shall be designated by election, to be held between April 1 and July 1 of each calendar year for the term beginning on July 1 of such year, by the employees whose efficiency ratings are under the jurisdiction of the board in such manner as shall be determined by the Civil Service Commission. Upon the request of the head of a department or establishment or of ten percent of the employees whose efficiency ratings are subject to review by a board of review, the Civil Service Commission may order an election for employee members and alternate employee members at a different time or may authorize the definite or indefinite postponement of the regular annual election.

(d) Chairmen and alternate chairmen for the boards of review shall be designated by the Civil Service Commission.

(e) All members of boards of review and all alternate members shall be officers or employees of the executive branch of the Federal government: *Provided, however*, That in the case of boards of review serving agencies not in the executive branch, such members and alternate members (except chairmen and alternate chairmen) shall be appointed or elected from the branch of government to which such agencies respectively belong.

§ 31.4 Appeals. Each appeal from an efficiency rating shall be submitted in writing to the chairman of the appropriate board of review within ninety days of the date that notice of such rating was delivered to the employee. Boards of review may waive this requirement for good and sufficient reasons, as in cases (a) where it appears that appellants were not in a position to make an appeal within the ninety-day period, (b) where employees elected to avail themselves of the grievance procedures in their own departments or establishments before proceeding with appeals under these regulations, or (c) where new evidence is discovered after the close of the ninety-day period which would have a bearing on the decision concerning the appeal. On the request of the Civil Service Commission, certified in writing, efficiency ratings which require the dismissal, demotion, or reduction in salary of employees subject to the approval of

the Civil Service Commission under section 9 of the Classification Act of 1923 as amended shall be considered by boards of review in the same manner as if appealed by such employees.

§ 31.5 *Appeal period when efficiency rating is "unsatisfactory"*. When an employee who has completed his probational or trial period and whose efficiency rating is "unsatisfactory" appeals his rating to the appropriate Board of Review, created under the provisions of section 9 of the Classification Act of 1923, as amended, within 15 days after receiving notice of the rating, action based on the efficiency rating shall be withheld pending the outcome of the appeal.

§ 31.6 *Hearings*. Hearings conducted on efficiency-rating appeals and certified cases shall be on as informal a basis as possible and yet permit the presentation of all information necessary to ascertain the correctness of the rating in question or the rating which should be assigned the employee. An oral hearing may be waived by the appellant, or employee whose rating is certified for review, and the board of review may thereupon proceed to a consideration of the case on the basis of written evidence submitted by the parties. Stenographic reports of oral hearings shall be required only when it is determined by the unanimous vote of the board that they are necessary to the best interests of the Government and employee. In all proceedings before boards of review, each employee whose efficiency rating is under consideration shall be entitled to have a representative of his own selection; and at oral hearings each appellant or employee whose rating is certified for review shall be entitled to appear with his representative. The appellant, or employee whose rating is certified for review, and his representative, and such representatives of the department or establishment as are designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and to reply to, information submitted to such board by other parties.

§ 31.7 *Decisions*. After ascertaining the pertinent facts in each case, the board of review shall proceed to determine such adjustment in the efficiency rating as it deems proper, or sustain the efficiency rating appealed from without change. Decisions shall be made by a majority vote. Notices of decisions of boards of review shall be communicated to the heads of the departments or independent establishments and to the appellants, and employees whose ratings are certified for review, in writing and shall contain summary statements of the facts on which the decisions are based. Copies of the decisions of the boards shall also be forwarded to the Civil Service Commission.

§ 31.8 *Extent of regulations*. The regulations in this part apply with full force and effect to the administration of efficiency rating boards of review in the departmental service. Until such time

as the Civil Service Commission, after consultation with heads of departments and independent establishments, decides that it is practicable to extend the foregoing provisions in their full force and effect to the field services, efficiency-rating appeals from employees in the field services may be made to boards of review established in and for the departmental headquarters of said field services for adjudication on the basis of evidence submitted in writing.

§ 31.9 *Effective date of regulations*. The regulations in this part supersede the regulations in Executive Order No. 8748 of May 1, 1941, and in Executive Order No. 9155 of May 1, 1942, and shall be effective immediately, except that the provision in § 31.3 authorizing members of boards of review to serve until their successors are appointed or designated shall be effective retroactively to July 1, 1941.

PART 32—AWARDS TO FEDERAL EMPLOYEES FOR MERITORIOUS SUGGESTIONS AND FOR EXCEPTIONAL OR MERITORIOUS SERVICE

- Sec.
- 32.1 Eligibility for awards.
- 32.2 Amount of awards.
- 32.3 Determination of awards; dissemination of suggestions.
- 32.4 Reports to Bureau of the Budget.
- 32.5 Awards of certificates, medals or other emblems.
- 32.6 Time limitations.
- 32.7 Suggestions which represent part of normal duties.
- 32.8 Limitation of awards.
- 32.9 Waiver of further claim by recipient.
- 32.10 Effective date.

AUTHORITY: §§ 32.1 to 32.10, inclusive, issued under sec. 14, Pub. Law 600, 79th Cong.

§ 32.1 *Eligibility for awards*. Any civilian officer or employee of a department (as the word "department" is defined in section 18 of the said act of August 2, 1946) who makes a suggestion, in such form and manner as his department shall require, which is adopted for use in the department on or after August 2, 1946, and, in the judgment of the department head or other duly authorized authority in the department, has resulted or will result in improvement or economy in the operations of the department by way of monetary savings, increased efficiency, conservation of property, improved employee-working conditions, better service to the public, or otherwise, shall be eligible for consideration for a cash award. A former civilian officer or employee (or his estate) shall be similarly eligible for awards for such suggestions made while in the service of the department.

§ 32.2 *Amount of awards*. Whenever a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be based on the amount of the annual estimated saving in the first year of operation in accordance with the following table, unless for special reasons the head of the department shall determine, subject to the limitations prescribed in the said act, that a different amount is justified:

Savings	Awards
\$1-\$1,000-----	\$10 for each \$200 of savings with a minimum of \$10 for any adopted suggestion.
\$1,000-\$10,000-----	\$50 for the first \$1,000 of savings, and \$25 for each additional \$1,000 of savings.
\$10,000-\$100,000----	\$275 for the first \$10,000 of savings, and \$50 for each additional \$10,000 of savings.
\$100,000 or more----	\$725 for the first \$100,000 of savings, and \$100 for each additional \$100,000 of savings; provided that (with the exception of the War and Navy Departments) the maximum award for any one suggestion shall not exceed \$1,000.

§ 32.3 *Determination of awards; dissemination of suggestions*. When a suggestion is adopted primarily upon the basis of improvement in the operations or services of the department, the department shall determine the amount of the award commensurate with the benefits anticipated from the suggestion. Whenever the head of a department believes that a suggestion he has adopted would benefit the Government service generally, he may report it to the Director of the Bureau of the Budget for dissemination to all departments.

§ 32.4 *Reports to Bureau of Budget*. At the end of each fiscal year each department shall report to the Director of the Bureau of the Budget the number of employee suggestions submitted, the number of such suggestions adopted, the total amount of cash awards, and the total amount of estimated annual savings.

§ 32.5 *Awards of certificates, medals or other emblems*. A department may provide for the purchase and award of appropriate certificates, medals, or other emblems, in honorary recognition of service which is determined by the head of the department to be exceptional or meritorious.

§ 32.6 *Time limitations*. No award shall be paid for any suggestion which is not adopted for use within five years from the date the suggestion is received by the department. Any department may, in its discretion, change the designated period of five years to a less period of time.

§ 32.7 *Suggestions which represent part of normal duties*. No award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position.

§ 32.8 *Limitation of awards*. The total of cash awards paid during any fiscal year in any department (except the War and Navy Departments) shall not exceed \$25,000. Cash awards and expenses for honorary recognition for exceptional or meritorious service may be paid from the appropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines.

§ 32.9 *Waiver of further claim by recipient.* A cash award shall be in addition to the regular compensation of the recipient, and the acceptance of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

§ 32.10 *Effective date.* This part shall be effective as of August 2, 1946.

NOTE: Part 32 was previously issued as Executive Order 9817, dated December 31, 1946, 12 F. R. 57.

PART 33—CLAIMS AND APPEALS OF VETERANS; RECOGNITION OF REPRESENTATIVES

Sec.

- 33.1 Appearance.
- 33.2 Agents.
- 33.3 Recognition of service organizations.
- 33.4 Accredited representatives of service organizations.
- 33.5 Designation of service organizations as representatives.
- 33.6 General provisions.
- 33.7 Effective date.

AUTHORITY: §§ 33.1 to 33.7, inclusive, issued under sec. 11, 58 Stat. 390; 5 U. S. C., Sup., 860.

§ 33.1 *Appearance.* Any veteran who has filed with the Commission a claim or an appeal under section 12 or section 14 of the Veterans' Preference Act of 1944 may appear in any proceeding in connection therewith either personally or by a representative. Such representative may be any person designated by the veteran, such person being hereinafter referred to as agent; or a service organization designated by him and approved by the Commission.

§ 33.2 *Agents.* Any competent person of good moral character and of good repute who is a citizen of the United States, or who has declared his intention to become a citizen of the United States, may be designated as an agent. A person (other than a Member of Congress) claiming to act as an agent must submit a written statement from the veteran (CSC Form 307)¹ authorizing him to represent the veteran in his claim or appeal. A written statement shall not be required of a Member of Congress claiming to act as an agent to represent a veteran in his claim or appeal.

§ 33.3 *Recognition of service organizations.* Any service organization approved by the Commission may be recognized in the presentation of claims or appeals under section 12 or section 14 of the Veterans' Preference Act of 1944 when the proper officers thereof make application for recognition, and as a part of such application agree and certify that neither the organization nor its representatives will charge claimants or appellants any fee or compensation whatsoever for their services, except expenses actually incurred with the consent of the claimant.

In requesting recognition, the following information must be supplied:

(a) Statement outlining the purpose of the organization and need thereof, and manner in which the veteran will be benefited by such recognition.

(b) Names, titles, and addresses of officers.

(c) Number of posts or chapters, and States in which located.

(d) Names, titles, and addresses of full-time paid employees who are qualified to act as accredited representatives.

(e) Copy of constitution or charter and by-laws of the organization.

§ 33.4 *Accredited representatives of service organizations.* (a) Recognized service organizations shall file with the Commission, on the prescribed form (CSC Form 306),¹ the name of any officer whom it desires to be recognized as its accredited representative and the Commission office or offices to which recognition is to be extended in the presentation of claims or appeals. In proposing a candidate for recognition as a representative the organization, through its appropriate officer, shall certify to the following:

(1) That the applicant is a citizen of the United States, of good character and reputation, is qualified by training or experience to assist in the presentation of claims, and is a member or employee of the organization.

(2) That he is not employed in any civil or military department or agency of the United States, and is not a retired member of the Regular Army, Navy, Marine Corps, Coast Guard, or Public Health Service.

(3) Whether the applicant is a veteran, and if so, that he was honorably discharged from active service.

(b) The application (CSC Form 306)¹ may be filed with the central office of the Commission, or with the regional office where the applicant is to serve.

(c) The central office (Veterans Service Section), or Regional Director, as the case may be, will secure sufficient facts by such investigation as may be deemed necessary to justify a determination whether or not the applicant is qualified. If it is determined that the applicant is qualified, notice to that effect will be issued, the original of which shall be sent to the applicant, and a copy of which shall be sent to the organization. Where the approval is made by a regional office, two copies will be sent to the central office of the Commission, one of which will be retained in the files and the other will be sent to the organization. A record of accredited representatives will be retained in the regional offices and in the Veterans Service section of the central office. If the Regional Director's determination is adverse, or the case is one of doubtful aspect, the entire matter will be referred to the Commission's central office, Veterans Service Section.

(d) Recognition may be cancelled at the request of the organization. The central office, or Regional Director may cancel or suspend any recognition for cause. When a Regional Director cancels or suspends any recognition, a report of the facts shall be made to the central office. Notice of cancellation or suspension will be supplied in the same manner as a notice of recognition.

(e) *Nominations for accredited representatives of National service organizations* will be accepted only if approved by the certifying officer, National headquarters, of such organization.

(f) Letters of recognition issued by the central office to National and field officers of recognized organizations will constitute authorization for their recognition in claims or appeals in any regional office within their respective assignments. Letters of recognition issued by a Regional Director will constitute authorization for the accredited representatives to present claims or appeals in any regional office within their respective assignments.

(g) When a representative has been admitted, a card will be prepared in the office which approves the admission, showing his name, address, organization, and date of admission. Copies of this card will be filed in the central office (Veterans Service Section) of the Commission, and in the regional office by which he is admitted or in which he is authorized to act.

§ 33.5 *Designation of service organizations as representatives.* (a) Before a service organization may be recognized in an individual claim or appeal there must be filed a designation duly executed by the claimant or appellant, specifically conferring upon the organization the authority to represent him in the presentation of his claim or appeal, and to receive any information in connection therewith. This designation shall be on the form prescribed by the Commission (CSC Form 307),¹ and shall be presented to the office concerned, to be filed in connection with the claim or appeal. The designation must be signed by the claimant or appellant.

(b) Upon receipt and approval of the designation, the service organization named therein shall be recognized as the sole agency for the presentation of the claim or appeal covered thereby, and no other organization shall be recognized in the presentation of that claim or appeal. The designation made by the claimant may be revoked by him at any time and a subsequent designation made, naming another organization. A subsequently executed designation shall constitute a revocation of any existing designation. A designation may also be revoked by the organization named therein.

§ 33.6 *General provisions.* (a) Nothing in the regulations in this part shall be deemed to permit the unauthorized practice of law in any place or the rendering of any service save the authorized participation in agency proceedings by agents or accredited representatives who have been approved by the Commission.

(b) The regulations in this part shall not apply to adjudications of charges of political activity on the part of officers or employees in the competitive service, or of officers or employees of a State or local government, nor to adjudications of the existence of good cause for the removal of hearing examiners appointed under section 11 of the Administrative Procedure Act.

§ 33.7 *Effective date.* The regulations in this part shall be effective June 21, 1947.

¹ Filed with the Division of the Federal Register.

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

Sec.	
34.1	Coverage.
34.2	Definitions.
34.3	Appointment of incumbents.
34.4	Appointments.
34.5	Promotion, reassignment, and transfer.
34.6	Reinstatement and restoration.
34.7	Compensation.
34.8	Efficiency ratings.
34.9	Rotation of examiners.
34.10	Utilization of examiners of other agencies.
34.11	Separations.
34.12	Reductions in force.

AUTHORITY: §§ 34.1 to 34.12, inclusive, issued under sec. 11, 60 Stat. 244; 5 U. S. C. Sup. 1010.

§ 34.1 *Coverage.* (a) The regulations in this part shall be applicable to persons appointed under section 11 of the Administrative Procedure Act for proceedings pursuant to sections 7 and 8 of that act, and to hearing examiner positions.

(b) Except as otherwise provided in the regulations in this part, the rules and regulations applicable to positions in the competitive service shall apply to hearing examiner positions.

§ 34.2 *Definitions.* (a) *Agency.* Agency means an agency subject to the Administrative Procedure Act as defined in that act.

(b) *Competitive service.* Competitive service shall have the same meaning as the words "classified service," or "classified (competitive) service," or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches, and of the District of Columbia Government which are specifically made subject thereto by statute. Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status.

(c) *Competitive status.* Competitive status means a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service rules and regulations for such noncompetitive actions. A competitive status is acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service rules.

(d) *Demotion.* Demotion means a change from one position to another position of lower grade or lower minimum salary while serving continuously within the same agency.

(e) *Excepted appointment.* An excepted appointment is an appointment, without regard to the competitive requirements of the Civil Service rules and regulations, under authority of Schedule A, Schedule B, act of Congress, or Executive order, to a position which is excepted from the competitive service under such authority.

(f) *Hearing examiner position.* A hearing examiner position is one in which any portion of the duties includes those prescribed by the Administrative Procedure Act for presiding officers appointed under section 11 thereof. Decision within the Commission as to whether or not a particular position is a hearing examiner position when presented for allocation shall be made by the Commission's Personnel Classification Division.

(g) *Promotion.* Promotion means a change from one position to another position of higher grade or higher minimum salary while serving continuously within the same agency.

(h) *Reassignment.* Reassignment means a change, without promotion or demotion, from one position to another position in a different line of work (such as from clerk to stenographer, chauffeur to guard, etc.) or in the same line of work (such as from clerk-searcher to clerk-recorder) or in service (such as subprofessional to clerical, administrative and fiscal) while serving continuously within the same agency.

(i) *Reinstatement.* Reemployment authorized under Part 7 of the Commission's regulations on the basis of the appointee's competitive status after a separation from the service.

(j) *Removal.* As used in the regulations in this part, removal means any involuntary change in the status of a hearing examiner, including demotion, promotion, reassignment, removal, and suspension as defined in § 4.301 of this chapter.

(k) *Schedule A.* A list of positions which are excepted from the competitive service and which may be filled without examination by the Commission.

(l) *Schedule B.* A list of positions which are excepted from the competitive service and which may be filled upon noncompetitive examination by the Commission.

(m) *Suspension.* Suspension means a temporary non-pay status and absence from duty required by the appointing officer for disciplinary reasons, or for other reasons, pending inquiry.

(n) *Transfer.* Transfer means a change of position during continuous Federal service, without a break of one work day, from one agency to another, or within the same agency from one official headquarters to another, or from one organizational unit to another.

(o) *Veteran.* Veteran means a person entitled to preference under the Veterans' Preference Act of 1944, including a person entitled to wife or widow preference under that act.

(p) *War service appointment.* A war service appointment is an appointment made for the duration of the war and six months thereafter under the war service regulations issued by the Commission pursuant to Executive Order No. 9063, of February 16, 1942, as amended, and in effect from March 16, 1942, to March 7, 1946.

§ 34.3 *Appointment of incumbents.* (a) *Incumbents with competitive status.* Persons who were serving in positions that became hearing examiner positions on June 11, 1947, who have a competitive status and who were conditionally ap-

pointed to hearing examiner positions on June 11, 1947, may be given absolute appointments as hearing examiners, with the prior approval of the Commission, if they are found by the Commission to be qualified and competent to perform the duties of hearing examiners.

(b) *Incumbents without competitive status.* (1) *Temporary or war service appointees.* Persons who were serving under a temporary or war service appointment in positions that became hearing examiner positions on June 11, 1947, must compete in the open competitive examination in order to qualify for an absolute appointment as a hearing examiner. Incumbents of this category who were given a conditional appointment on June 11, 1947, may be continued under such appointment until such time as a register is established.

(2) *Excepted appointees.* (i) Persons who were serving under an excepted appointment made prior to December 11, 1946, in positions that became hearing examiner positions on June 11, 1947, and who were conditionally appointed to hearing examiner positions on June 11, 1947, may acquire a competitive status in accordance with Civil Service Rule III and the Commission's regulations thereunder (Part 3 of this chapter).

(ii) Persons who were serving under an excepted appointment made subsequent to December 11, 1946, in positions that became hearing examiner positions on June 11, 1947, must compete in the open competitive examination in order to qualify for an absolute appointment as hearing examiners. Pending establishment of a register, incumbents of this category who were given a conditional appointment on June 11, 1947, may be continued under such appointment.

§ 34.4 *Appointments.* Except as otherwise provided in the regulations in this part, the regulations for appointment to the competitive system (Part 2 of this chapter) shall apply to appointments to hearing examiner positions: *Provided*, That in view of the responsibility placed upon the Commission by section 11 of the Administrative Procedure Act of passing upon the qualifications and competency of persons appointed as hearing examiners, no appointment whatsoever, except one made by selection from a certificate of eligibles furnished by the Commission, shall be made without the prior approval of the Commission: *Provided further*, That pursuant to section 11 of the Administrative Procedure Act, which provides for the removal of hearing examiners only for good cause determined by the Commission after opportunity for a hearing and upon the basis of the record thereof, no probationary period shall be required in appointments to hearing examiner positions.

§ 34.5 *Promotion, reassignment, and transfer.* (a) *From a hearing examiner position.* (1) When an agency desires to fill a vacancy in a hearing examiner position by the promotion of one of its staff of hearing examiners, the Commission, upon request, will certify the names of three hearing examiners of the agency who are qualified for promotion, and pro-

motion shall be made only by selection from this certificate. For this purpose the Commission will maintain registers of the hearing examiners of each agency. The qualifications of each hearing examiner for a hearing examiner position in his agency of the next grade higher than the one he occupies will be rated in accordance with the experience and training requirements of the open competitive examination (except the maximum age requirement), and his name will be placed on the register in accordance with this rating. Between March 1 and April 30 of each year any hearing examiner may file with the Commission a report of the nature and type of duties he has been performing during the preceding year. The experience claimed, when substantiated to the Commission's satisfaction, will be rated and the prior rating of the hearing examiner will be adjusted accordingly. Where it appears necessary to the Commission, an investigation of character and suitability and an oral interview may also be required.

(2) When an agency desires to fill a vacancy in a hearing examiner position by the reassignment of one of its staff of hearing examiners, or by the transfer of a hearing examiner, it shall submit the name of the hearing examiner to the Commission. The Commission will rate the qualifications of the hearing examiner for the position to which reassignment or transfer is proposed in accordance with the experience and training requirements of the open competitive examination (except the maximum age requirement), and will place his name on the register of agency examiners that has been established under subparagraph (1) of this paragraph, if such a register exists for the position. The reassignment or transfer will be authorized only if the name of the hearing examiner proposed for reassignment or transfer is within reach for certification from this register. Where no agency register is in existence, reassignment or transfer may be authorized if the qualifications of the hearing examiner are approved by the Commission. Where it appears necessary to the Commission, an investigation of character and suitability and an oral interview may also be required.

(b) *From a position other than a hearing examiner position.* (1) When an agency desires to fill a vacancy in a hearing examiner position by the promotion, reassignment, or transfer of an employee who has a competitive status and is serving in a position other than a hearing examiner position, it shall submit the name of the person to the Commission, together with an application form executed by him. The Commission will rate the qualifications of the applicant in accordance with the experience and training requirements of the open competitive examination (except the maximum age requirement), including an investigation of character and suitability and an oral interview. The name of the person proposed will be entered on the open competitive register in accordance with the rating received. If his name is then within reach for certification, the Commission will approve the promotion, reassignment, or trans-

fer; otherwise it will disapprove the request.

(2) An employee without competitive status, serving in a position other than a hearing examiner position, may be appointed to a hearing examiner position only after competition in the open competitive examination and upon certification by the Commission from the open competitive register.

§ 34.6 *Reinstatement and restoration.* (a) When an agency desires to fill a vacancy in a hearing examiner position by reinstatement of a person who has a reinstatement status and who formerly served as a hearing examiner under the provisions of the Administrative Procedure Act, it shall submit the name of the person proposed for reinstatement to the Commission. When the position is of a higher grade than the one in which the person proposed for reinstatement formerly served or is in a different agency, the Commission will rate the qualifications of the applicant for the position for which reinstatement is proposed in accordance with the experience and training requirements of the open competitive examination (except the maximum age requirement), and will place his name on the register of agency examiners that has been established under § 34.5 (a) (1), if such a register exists. The reinstatement will be authorized only if the name of the person proposed for reinstatement is within reach for certification from this register. Where no agency register is in existence or where reinstatement is proposed to a position in the same agency and at the same grade in which the examiner formerly served under the provisions of the Administrative Procedure Act, the reinstatement may be authorized if the qualifications of the person proposed are approved by the Commission. Where it appears necessary to the Commission, an investigation of character and suitability and an oral interview may also be required.

(b) When an agency desires to fill a hearing examiner position by the reinstatement of a person who has a reinstatement status and who formerly served in a position other than a hearing examiner position under the Administrative Procedure Act, it shall submit the name of the person to the Commission, together with an application form executed by him. The Commission will rate the qualifications of the applicant in accordance with the experience and training requirements of the open competitive examination (except the maximum age requirement), including an investigation of character and suitability and an oral interview. The name of the person proposed will be entered on the open competitive register in accordance with the rating received. If his name is then within reach for certification, the Commission will approve the reinstatement; otherwise it will disapprove the request.

(c) The regulations in Part 10 of this chapter governing reemployment after war transfer, and restoration after military service shall apply to reemployment and restoration to hearing examiner positions. Persons applying for reemployment or restoration shall have the

same status on the date of application for reemployment or restoration as they would have had under § 34.3 if they were serving in positions that became hearing examiner positions on June 11, 1947, and shall be required to qualify for absolute appointment in the manner prescribed by that section.

§ 34.7 *Compensation.* (a) Hearing examiner positions shall be allocated by the Commission in accordance with the regulations and procedures adopted by the Commission for allocations under the Classification Act of 1923, as amended: *Provided*, That allocations shall be made independently of agency recommendations and ratings.

(b) Hearing examiners shall receive within grade salary advancements in accordance with Part 25 of this chapter; *Provided*, That the requirements of a good or better than good efficiency rating and of certification by the head of the agency as to satisfactory service and conduct shall not apply.

§ 34.8 *Efficiency ratings.* Agencies shall not rate the efficiency of hearing examiners.

§ 34.9 *Rotation of examiners.* Insofar as practicable, examiners shall be assigned in rotation to cases of the level of difficulty and importance that are normally assigned to positions of the salary grade they hold.

§ 34.10 *Utilization of examiners of other agencies.* (a) At the request of agencies occasionally or temporarily insufficiently staffed, the Commission will arrange, if possible, for the temporary utilization by those agencies of the services of hearing examiners of other agencies.

(b) Agencies, by agreement between themselves, may arrange for the temporary utilization by one agency of a hearing examiner or hearing examiners of another agency. Such agreements must have the prior approval of the Commission before being put into effect.

§ 34.11 *Separations—(a) Removals.* Agencies shall initiate removal proceedings against a hearing examiner by filing with the Commission, attention Chief Law Officer, a complaint which shall set forth specifically and in detail the facts that are alleged to constitute good cause for the hearing examiner's removal. The Commission will thereupon arrange for a hearing to be held on the questions involved and will decide whether or not the removal is justifiable on the basis of the record of the hearing.

(b) *Furlough.* In exceptional cases where there are circumstances by reason of which the retention of a hearing examiner in his position, pending adjudication of the existence of good cause for his removal, would be detrimental to the interests of the Government, agencies shall either (1) assign the hearing examiner to duties in which these conditions would not exist, (2) place him on annual leave for the period that will be covered by the annual leave to his credit, or (3) furlough him. Action under this paragraph may be taken only with the prior approval of the Commission.

(c) *Dismissals at request of Commission.* The procedures in this part governing the removal of hearing examiners shall not apply in making dismissals requested by the Commission under § 5.4 of the Civil Service Rules (E. O. 9830, Part II, 12 F. R. 1259, 1263).

§ 34.12 *Reductions in force—(a) Retention credits.* Retention credits for purposes of reductions in the force of hearing examiners are credits for length of service in determining retention order in each retention subgroup. They are computed by allowing one point for each full year of Federal Government service.

(b) *Retention preference, classification.* For the purpose of determining relative retention preference in reduction in force, hearing examiners shall be classified according to tenure of employment in competitive retention groups and subgroups in the manner prescribed in § 20.3 of the Retention Preference Regulations for Use in Reductions in Force (Part 20 of this chapter): *Provided*, That no distinction will be made in subgroups on the basis of a good or better efficiency rating as opposed to efficiency ratings of less than good.

(c) *Status of hearing examiners who are reached in reduction in force.* When a hearing examiner has been separated, furloughed, or reduced in rank or compensation because of a reduction in force, his name shall be placed at the top of the agency promotion register and of the open competitive register for the grade in which he formerly served and for all lower grades. Where more than one hearing examiner is affected, the qualifications of the several hearing examiners shall be rated by the Commission and relative standing at the top of the registers will be on the basis of these ratings.

(d) *Appeals.* (1) Any hearing examiner who feels that there has been a violation of his rights under the regulations governing reductions in force may appeal to the Commission (attention, Chief Law Officer) within 10 days from the date he received his notice of the action to be taken.

(2) Each appeal shall state clearly the grounds on which it is based, whether error in the records; violation of the rule of selection; restriction of the competitive area or level; disregard of a specified right under the law or regulations; or denial of the right to examine the regulations, retention register, or records.

(3) The agency in which the hearing examiner is employed shall be notified of the appeal and shall be allowed to file an answer thereto.

(e) *Retention preference regulations.* The Retention Preference Regulations For Use in Reductions in Force (Part 20 of this chapter), except as modified by this section, shall apply to reductions in the force of hearing examiners.

[F. R. Doc. 47-9917; Filed, Nov. 4, 1947; 12:48 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 298—HEMP

STATEMENT OF POLICY NO. 1

The Commodity Credit Corporation of the United States Department of Agriculture will support the price of the 1947 crop of hemp from November 1, 1947, to June 30, 1948. If price support operations become necessary to give growers the same percentage of return they have received from mills in previous years, such support will be accomplished through purchases of hemp fiber processed from the 1947 crop.

Purchases will be made from hemp mills which meet the following requirements:

(1) The mill must have been in operation in 1945;

(2) The total plantings of hemp at each mill for the crop year 1947 did not exceed 1200 acres; and,

(3) The mill has paid or will pay to growers of hemp grown in 1947 a percentage of return not less than the percentage of return paid by it in previous years.

[SEAL]

JESSE B. GILMER,
President,

Commodity Credit Corporation.

OCTOBER 30, 1947.

[F. R. Doc. 47-9834; Filed, Nov. 4, 1947; 9:03 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 941.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supp. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, and the decision (12 F. R. 7008) was made, with respect to the amendment, by the Secretary on October 23, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* The present amendment to the said order, as amended, must be made effective not later than the date stated in this amending order so as to meet effectively the urgent supply and demand situation sought to be alleviated. Any later effective date would defeat the purposes of the amendment for a part of the critical month of November 1947 and would be impracticable, unnecessary, and contrary to the public interest. To delay the effective date of this amending order for 30 days after its publication would entirely defeat the purposes and scope of the amendments. In the circumstances handlers are afforded a reasonable time within which to prepare for the amendments. (See sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 227)

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during April 1947 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the period at the end of § 941.5 (b) (1), substitute therefor a comma, and add the following: "Provided, That through November 30, 1947, milk (other than that disposed of from routes operated directly from approved plants) which is classified as Class I milk pursuant to § 941.4 (a) (2) shall be classified separately, and the price thereof shall be the basic formula price plus \$1.50."

2. Delete the period at the end of § 941.5 (b) (2), substitute therefor a comma, and add the following: "Provided, That through November 30, 1947, milk (other than that disposed of from routes operated directly from approved plants) which is classified as Class II milk pursuant to § 941.4 (a) (2) shall be classified separately and the price thereof shall be the basic formula price plus \$1.10."

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C., 601 et seq.; Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued at Washington, D. C., this 31st day of October 1947 to be effective on and after the 1st day of November 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-9866; Filed, Nov. 4, 1947;
8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 379—CERTIFICATES OF CITIZENSHIP WHERE CITIZENSHIP ACQUIRED (1) BY NATURALIZATION OF PARENT, PARENTS, OR HUSBAND, OR (2) BY BIRTH ABROAD TO CITIZEN PARENT OR PARENTS, OR (3) BY STATUTE CONFERRING CITIZENSHIP ON CERTAIN BRITISH COLUMBIA INDIANS

CERTIFICATION OF CITIZENSHIP FOR CERTAIN BRITISH COLUMBIA INDIANS

SEPTEMBER 24, 1947.

The following changes in Part 379, Chapter I, Title 8, Code of Federal Regulations, are hereby prescribed.

No. 217—13

1. The title of Part 379 is amended by adding a third category so that it will read as set forth above.

2. The blanket citation of authority and of statutes interpreted and applied, which immediately precedes § 379.1, is amended to read as follows:

AUTHORITY: §§ 379.1 to 379.8, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR 90.1, §§ 379.1 to 379.8, inclusive, interpret and apply sec. 339, 54 Stat. 1160, 58 Stat. 4, Pub. Law 221, 80th Cong.; 8 U. S. C. and Sup., 739.

3. Section 379.1 is amended by adding a clause before the word "may" so that that section will read as follows:

§ 379.1 Who may apply for certificate of citizenship. Any person who claims to have derived United States citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, or any person who claims to be a citizen of the United States by virtue of the United States citizenship of his parent or parents at the time of his birth outside the United States, or any person who claims to be a British Columbia Indian upon whom United States citizenship was conferred by the act of May 7, 1934, as amended (48 Stat. 667, Pub. Law 221, 80th Cong.; 8 U. S. C. 601 note), may apply to the Commissioner for a certificate of citizenship.

4. Section 379.2, *Application for certificate; form; fee*, is amended by deleting the first two sentences and inserting the following sentence in their place: "An application under § 379.1 shall be made by the applicant on Form N-600."

5. Section 379.5 is amended by changing the period at the end to a comma and by adding a clause so that that section will read as follows:

§ 379.5 Proof. The applicant shall establish to the satisfaction of the Commissioner that he is a citizen of the United States, that he derived such citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, or that he acquired such citizenship through birth outside the United States at a time when his parent or parents were citizens of the United States, or that citizenship was conferred upon him by the act of May 7, 1934, as amended (48 Stat. 667, Pub. Law 221, 80th Cong.; 8 U. S. C. 601 note).

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) as to notice of proposed rule making and as to delayed effective date are inapplicable for the reason that the rules prescribed by this order are solely procedural.

T. B. SHOEMAKER,
Acting Commissioner of
Immigration and Naturalization.

Approved: October 29, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-9850; Filed, Nov. 4, 1947;
8:53 a. m.]

TITLE 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

SUBJECT MATTER OF COPYRIGHT AND APPLICATION AND CERTIFICATE FORMS

1. Section 201.4 (b) (5) (38 CFR 201.4 (b) (5) is amended to read as follows:

§ 201.4 Subject matter of copyright. * * *

(b) * * *

(5) Musical compositions. Musical compositions, including vocal and instrumental compositions, with or without words.

Adaptations and arrangements of musical compositions or musical compositions republished with new matter, including editing, when such new matter is the writing of an author, may be registered as new works under the provisions of section 7 of the Copyright Act.

(Sec. 7, Pub. Law 281, 80th Cong.; 17 U. S. C. Sup. 207)

2. Section 201.12 (38 CFR 201.12) is amended to read as follows:

§ 201.12 Application and certificate forms. The Copyright Office has issued the following forms,* which are supplied free, and should be used when applying for copyright registration.

Form A—Books published in the United States of America.

Form A Foreign—Books first published outside the United States of America.

Form B—Periodicals published in the United States of America.

Form B5—Contributions to periodicals printed or otherwise produced in the United States of America.

Form C—Lectures or similar productions prepared for oral delivery.

Form D—Dramatic or dramatico-musical compositions.

Form E—Musical compositions.

Form F—Maps.

Form G—Works of art; models or designs for works of art.

Form H—Reproductions of a work of art.

Form I—Drawings or plastic works of a scientific or technical character.

Form J—Photographs.

Form K—Prints and pictorial illustrations.

Form KK—Prints or labels used for articles of merchandise.

Form L—Motion-picture photoplays.

Form M—Motion pictures other than photoplays.

Form R—Renewal of a copyright in any work other than a print or label used for article of merchandise.

Form RR—Renewal of a copyright in a print or label used for article of merchandise.

Form U—Notice of Use of Music on Mechanical Instruments.

(Sec. 7, Pub. Law 281, 80th Cong.; 17 U. S. C. Sup. 207)

[SEAL] SAM B. WARNER,

Register of Copyrights.

Approved: October 29, 1947.

LUTHER H. EVANS,
Librarian of Congress.

[F. R. Doc. 47-9847; Filed, Nov. 4, 1947;
8:46 a. m.]

* Filed as part of the original document.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71-85 TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES MISCELLANEOUS AMENDMENTS

In the matter of regulations for transportation of explosives and other dangerous articles.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of October A. D. 1947.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921, (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing, that in applications received we are asked to amend

the aforesaid regulations as set forth in provisions made part hereof;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

Part 2—List of Explosives and Other Dangerous Articles

Superseding and amending commodity lists section 4, orders August 16, 1940, March 29, 1944 and July 28, 1947, to read as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
(Add) Ammonium nitrate fertilizer.	Oxy. M.	153, 182, 183.	Yellow	100 pounds.
(Cancel) Benzyl bromide.	Cor. L.	No exemption, 250A.	White	5 pints.
(Cancel) Bromotoluene. See Benzyl bromide.				
(Add) Benzyl bromide. See a-Bromotoluene.				
(Add) a-Bromotoluene.	Cor. L.	No exemption, 250A.	White	5 pints.
(Cancel) Coal gas.	Inf. G.	302, 303.	Red	300 pounds.
(Cancel) Explosive mine cutters.	Exp. C.	No exemption, 66A.		150 pounds.
(Add) Explosive cable cutters.	Exp. C.	No exemption, 66A.		150 pounds.
(Add) Nitrate of ammonia fertilizer. See Ammonium nitrate fertilizer.				
(Cancel) Pintsch gas.	Inf. G.	302, 303.	Red	300 pounds.
(Add) Trifluorochloroethylene.	Noninf. gas.	302, 303.	Green	300 pounds.

Part 3—Regulations Applying to Shippers

1. Superseding and amending paragraph (a), section 66A *Explosive mine cutters*, order March 29, 1944, to read as follows:

66A. (a) Explosives cable cutters are used for cutting cables, etc. They consist of a metal device containing a knife-edged component which is propelled by a small charge of an explosive compound.

(b) Packing. Strong wooden boxes.

(c) Marking. Each outside container must be plainly marked "Explosive Cable Cutters—Handle Carefully".

2. Amending section 178 *Packing motion-picture film, old and worn out (not scrap)*, order August 16, 1940, as follows (Add):

(g) Spec. 21A. Fiber drums.

3. Superseding and amending section 183 *Packing nitrates-exemptions*, order August 21, 1947, to read as follows:

(a) Nitrate of aluminum, nitrate of barium, nitrate of lead, nitrate of potash, nitrate of soda, nitrate of strontia, nitro carbo nitrate, nitrate of ammonia, nitrate of ammonia fertilizer, calcium nitrate and guanidine nitrate in metal cans, glass bottles, or other inside containers in outside fiberboard or wooden boxes, in kegs or barrels, in metal cans, metal drums or fiber drums are exempt from specification packaging and labeling requirements for transportation by rail freight, rail express, highway and by carrier by water.

(b) Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate, sodium nitrate, and guanidine nitrate in bags not exceeding 200 pounds net weight, moisture proof, made tight against sifting and of strength not less than bags made of 8 ounce burlap are exempt

from specification packaging requirements for transportation by rail freight, rail express, highway and by carrier by water. (See column 5 of Commodity List, Part 2 for maximum quantity that may be shipped in one outside package by express.) (See paragraphs (p) and (q), section 402.)

4. Superseding and amending paragraph (a), section 250A *Packing benzyl bromide (bromotoluene)*, order July 28, 1947, to read as follows:

(a) A-Bromotoluene (benzyl bromide) must be packed in specification containers as follows:

5. Amending section 252 *Packing bromine*, order August 16, 1940, as follows (Add):

(i) Spec. 105A300W. Tank cars. The tank must be nickel clad at least 20% or must be lined with lead at least 3/16" thick; openings in tank heads to facilitate application of lead lining are authorized and must be closed in an approved manner; all closures and appurtenances which are in contact with the lading must be lead lined or must be made of metal not subject to rapid deterioration by contact with the lading; all interior welds in nickel clad tanks must be protected by pure nickel butt straps to eliminate iron contamination. The water weight capacity of the tank must not be more than 20,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 60,000 pounds or 300% of the water weight capacity of the tank, whichever quantity is the lesser. In no case shall the quantity loaded be less than 98% of the quantity the tank is authorized to carry.

6. Superseding and amending paragraphs (b) (2) and (b) (4), section 261 *Packing fire extinguisher charges*, order August 16, 1940, to read as follows:

(b) (2) Fire-extinguisher charges consisting of sulfuric acid in strong 8-fluid-ounce or smaller bottles, securely closed and packed with bicarbonate of soda in outside fiberboard or wooden boxes. Closure must consist of a metal cap lined with an acid-resistant washer or a composition stopper of material that will not be attacked by the acid.

(b) (4) Fire-extinguisher charges, consisting of sulfuric acid in 10-ounce or smaller bottles, securely closed, packed in a tight fiber carton. Closure must consist of a metal cap lined with an acid-resistant washer or a composition stopper of material that will not be attacked by the acid. The bottle and carton packed in either potassium carbonate or potassium carbonate and alkali packed in a cylindrical tin can, with slip cover, secured by tape in outside fiberboard or wooden boxes.

7. Superseding and amending paragraph (c) (3), section 264 *Packing hydrofluoric acid, anhydrous*, order February 26, 1942, to read as follows:

(c) (3) Spec. 105A300, 105A300W, 105, 105A500, 105A500W, or ARA-V. Tank cars equipped with special valves and appurtenances approved for this particular service. Filling density must not exceed 90% of the pounds water weight capacity of the tank.

8. Amending note to paragraph (c) (3), section 264, order October 14, 1943, as follows (Cancel): Note to paragraph (c) (3), section 264.

9. Amending section 302A *Manifolding containers in transportation*, order July 28, 1947, as follows:

(Cancel) Coal gas.

(Cancel) Pintsch gas.

(Add) Trifluorochloroethylene.

10. Amending table paragraph (k), section 303 *Filling limit restrictions*, order August 16, 1940, as follows:

Kind of gas	Maximum permitted filling density (see sec. 303 (h))	Cylinders* marked as shown in this column must be used except as provided in note 1 and sec. 303 (p) (2) to 303 (p) (5)
(Add) Trifluorochloro-ethylene	115	ICC-3A300 ICC-3B300 ICC-4A300 ICC-4B300

11. Amending section 303 *Exceptions*, order January 21, 1947, as follows (Cancel): Paragraph (p) (14) (m), section 303.

Appendix to Part 3—Shipping Container Specifications

1. Superseding and amending note to paragraph 7, spec. 12B *Emergency table*, order September 7, 1944, to read as follows:

NOTE: Because of the present emergency and until further order of the Commission, weights per thousand square feet as specified in the following table may be substituted in lieu of thicknesses. (Emergency table not changed.)

2. Superseding and amending paragraph 1, spec. 16A *Compliance*, order August 16, 1940, to read as follows:

1. *Compliance*. Required in all details. Authorized tolerances. Cleats, battens, and handles, minus $\frac{1}{32}$ " ; single thickness veneer, minus 5% ; resawn boards, $\frac{1}{64}$ " below specified thickness for boards up to $\frac{7}{32}$ " thick and $\frac{1}{32}$ " below specified thickness for boards $\frac{1}{4}$ " or more thick.

Part 4—Regulations Applying Particularly to Carriers by Rail Freight

1. Superseding and amending part of paragraph (f), section 525, *Car certificates*, order August 19, 1946, to read as follows:

(f) *Car certificate*. The following certificate, printed on strong tag board measuring 7 by 7 inches, or 6 by 8 inches, must be duly executed in triplicate by the carrier, and by the shipper, if he loads the shipment; the original must be filed by the carrier at the forwarding station on a separate file; and the other two must be attached, one to each outer side of car near "Explosive" placard, adjacent to car initial and number.

(Car certificates No. 1 and No. 2 not changed.)

2. Superseding and amending paragraph (h) (1), section 532, *Corrosive liquids*, order August 16, 1940, to read as follows:

(h) (1) Carboys of acids or other corrosive liquids must not be loaded into container cars. They must be so blocked, braced or stayed that they cannot change position during transit when being handled with reasonable care. Carboys of nitric acid must not be loaded into box cars more than two tiers high, except that completely boxed carboys, Specification 1D, may be loaded three tiers high. Car doors may be cleated in an open position if desired. Whenever practicable, flat or stock cars should be used for loading carboys of acids,

3. Superseding and amending paragraph (h) (5), section 532, *Corrosive liquids*, order January 25, 1945, to read as follows:

(h) (5) Shipments of electric storage batteries (wet), and electrolyte packed as required by section 258, must be so blocked and braced that they cannot change position during transit when cars are handled with reasonable care; and must be so loaded that other freight cannot fall onto or slide against them. They may be loaded on gondola or flat cars, but must not be loaded into hopper bottom cars.

4. Superseding and amending headline and sideline description "5", section 533, *Loading and storage chart*, order March 29, 1944, to read as follows:

5. Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, top caps, explosive cable cutters.

5. Superseding and amending paragraph (c), section 548 *Application of placards*, order July 28, 1947, to read as follows:

(c) Placards applied to the sides of cars containing explosives or other dangerous articles must be attached adjacent to the car initial and number, but must not be applied in a way that will obscure the initial or number.

6. Superseding and amending paragraph (d), section 548 *Application of placards*, order August 16, 1940, to read as follows:

(d) The use of tacks, having heads at least $\frac{1}{4}$ inch across. At least 5 tacks must be used, one at each corner and one in the center of the placard, or when stapling devices are used the staples should be made of flat metal of not less than 19 gauge, and the space between the legs of the staples should be at least $\frac{3}{8}$ inch and length of staples not less than $\frac{1}{4}$ inch. At least 9 staples must be used, one row of three each across the top, center, and bottom of the placard. Tacks, nails, staples, or other devices used in previous application of placards must be removed when their presence interferes with proper application of placards.

7. Superseding and amending paragraph (f) (1), section 589 *Position in train of cars containing explosives*, order July 28, 1947, to read as follows:

(f) (1) In a train either standing or during transportation thereof, a car placarded "Explosives" shall, when the length of the train permits, be not nearer than the sixteenth car from both the engine or occupied caboose; and shall when the length of the train will not permit them to be so placed be as near as possible the middle of the train. When moved in a train engaged in "pickup" and/or "setoff" service it shall be placed not closer than the second car from the engine or second car from occupied caboose, except as provided in section 589 (i) (1), to avoid unnecessary switching and handling of such car enroute. For the purpose of these regulations a

train will be considered in "pickup" and/or "setoff" service when one or more cars are picked up and/or set off at more than three different stations enroute. Local trains engaged in loading and/or unloading of LCL merchandise in their trains will be considered engaged in "pickup" and "setoff" service.

8. Superseding and amending paragraph (f) (2), section 589 *Position in train of cars containing explosives*, order May 8, 1947, to read as follows:

(f) (2) In a freight train or mixed train either standing or during transportation thereof, a car placarded "Explosives" must not be handled next to:

1. Occupied passenger car, other than gas handlers accompanying shipment.
2. Occupied combination car, other than gas handlers accompanying shipment.

3. Placarded loaded tank car.

4. Engine.

5. Car placarded "Poison Gas."

6. Wooden under-frame car.

7. Loaded flat car.

8. Open-top car when any of the loading extends or protrudes above or beyond the ends or sides thereof.

9. Car equipped with automatic refrigeration of the gas-burning type.

10. Car containing lighted heaters, stoves, or lanterns.

11. Car loaded with live animals or fowl, occupied by an attendant.

12. Occupied caboose. (Except as permitted in section 589 (ii) (1).)

9. Superseding and amending paragraph (g) (1), section 589 *Position in train of cars containing explosives*, order July 28, 1947, to read as follows:

(g) (1) In a train either standing or during transportation thereof, a placarded loaded tank car shall not, when the length of train permits, be nearer than the sixth car from the engine or occupied caboose, but in no instance nearer than the second car from the engine or occupied caboose unless the remainder of train consists of placarded loaded tank cars or the train is engaged in "pickup" and/or "setoff" service. For the purpose of these regulations a train will be considered in "pickup" and/or "setoff" service when a car or cars are picked up and/or setoff at more than three different stations enroute. Local trains engaged in loading and/or unloading of LCL merchandise in their trains will be considered engaged in "pickup" and "setoff" service.

10. Amending section 589 *Position in train of loaded placarded tank cars*, order February 12, 1947, as follows (Add):

(g) (2) In a freight train or mixed train either standing or during transportation thereof, a placarded loaded tank car must not be handled next to:

1. Occupied passenger car, other than gas handlers accompanying shipment.
2. Occupied combination car, other than gas handlers accompanying shipment.

3. Any car placarded "Explosives".

4. Engine. (Except when train consists only of placarded loaded tank cars.)

5. Any car placarded "Poison Gas".

6. Wooden under-frame car.

7. Loaded flat cars.

8. Open-top car when any of the lading extends or protrudes above or beyond the ends or sides thereof.

9. Car equipped with automatic refrigeration of the gas-burning type.

10. Car containing lighted heaters, stoves, or lanterns.

11. Car loaded with live animals or fowl, occupied by an attendant.

12. Occupied caboose. (Except when train consists only of placarded loaded cars.)

11. Superseding and amending paragraph (j) (1), section 589 *Cars containing explosives or poison gas and tank cars placarded dangerous in passenger or mixed trains*, order February 12, 1947, as follows:

(j) (1) Cars containing explosives, Class A, poison gases or liquids, Class A, and tank cars requiring "Dangerous" placards shall not be transported in a passenger train. Such cars may be transported in mixed trains but only at such times and between such points that freight train service is not in operation.

12. Amending order August 16, 1940, to read as follows: "Record of change of seals of cars of explosives to be made."

(Add) 590 (a) When a car seal is changed on a car placarded "Explosives", a record must be made showing the following information:

Railroad	Place	Date
Car Initials	Car Number	
Number or description of seal broken		
Number or description of seal used to re-seal cars		
Reason for opening car		
Condition of load		
Name and occupation of person opening car		
This record shall be shown on or attached to waybill or other form or memorandum which shall accompany car to destination.		

13. Amending section 597 *Leaking packages etc.*, order August 16, 1940 to read as follows (Add):

(c) Leakage of dangerous articles is often accompanied by odors characteristic of the articles, and all available opportunities for notice such odors must be utilized in order that the source of leakage may be discovered and the leakage stopped, or the leaking package removed from the car, or the contents of tank cars transferred. If artificial light is necessary, only electric lights should be used. Leaking tank cars containing compressed gases should be switched to a location distant from habitation and highways and proper action taken for transferring contents under competent supervision.

(d) Cars containing leaking packages or leaking tank cars must be protected against ignition of liquid or vapors by flame of inspector's lanterns or torches, by burning fuses, by switch-lights, by switch-thawing flames, by fires on side of tracks, by hot coals from locomotives, or otherwise. All unnecessary movement of a car discovered in transit in leaking condition must cease until the unsafe condition is remedied.

14. Amending section 600 *In case of wreck*, order August 16, 1940, to read as follows (Add):

(a) to present paragraph.

(b) Whenever a car placarded "Explosives" is involved in an accident or wreck it must be opened and contents examined, and whenever opened for any purpose inspection must be made of the packages of explosives as soon as practicable without unnecessary disturbance of lading, to see that they are properly loaded and stayed and in good condition. Upon the discovery of leaking or broken packages they must be carefully removed to a safe place. Loose powder or other explosives must be swept up and carefully removed. If the floor is wet with nitroglycerin the car is unsafe to use, and a representative of the Bureau of Explosives should be immediately called to superintend the thorough mopping and washing of the floor with a warm, saturated solution of concentrated lye or sodium carbonate. If necessary, the car must be placed on an isolated siding and proper notice given.

Part 5—Regulations Applying to Carriers by Rail Express

1. Superseding and amending paragraphs (d) and (e), section 655 *Handling packages*, order November 8, 1941, to read as follows:

(d) Shipments of explosives or other dangerous articles, except poisons and noninflammable compressed gases, when transported in passenger carrying trains, should be loaded in the car occupied by an express employee or in connecting cars to which an express employee has access through end doors, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars or stored in stations near steam pipes or other sources of heat. No placards are required on such cars when occupied by an express employee. Shipments bearing poison label, when practicable, should be loaded in sealed cars; when loaded in cars occupied by messenger, care should be taken to prevent any contents sifting or leaking from containers.

(e) When an express or baggage car containing any package requiring a label prescribed by these regulations is not occupied by an express employee, or is not a connecting car to which an express employee has access through an end door, and the car is handled in a passenger, mixed, or freight train, the proper placards must be attached thereto as required by these regulations for the transportation of such articles by rail freight.

Part 7—Regulations Applying to Shipments Made by Way of Common, Contract or Private Carriers by Public Highway

1. Superseding and amending paragraph (e) (8) section 823 *Inflammable solids and oxidizing materials*, order August 21, 1947, to read as follows:

824 (e) (8) Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate, and guanidine nitrate in bags must be loaded in closed motor vehicles not

of all metal construction, or if open body vehicles are used the lading must be covered. Only clean vehicles must be used and must be free of any projections that would injure bags.

2. Superseding and amending headline and sideline description "5", section 825 *Loading and storage chart*, order March 29, 1944, to read as follows:

5. Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after January 25, 1948, and shall be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after day of service hereof;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176; 18 U. S. C. 383, 49 U. S. C., and Sup., 304)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-9839; Filed, Nov. 4, 1947;
8:50 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND "WHITE ROSE" SEED POTATOES

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev. 31C]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 9899, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, General Permit ODT 18A, Revised-31B shall be superseded, and it is hereby ordered, that:

§ 520.531 *Shipments of new fresh harvested Irish potatoes*. Notwithstanding

ing the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386), or Items 470 or 475 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new fresh harvested Irish potatoes originating at any point in the San Joaquin Valley of California when such carload freight is loaded to a weight not less than 40,000 pounds.

This General Permit ODT 18A, Revised-31C, shall become effective November 1, 1947, and shall expire November 30, 1947.

General Permit ODT 18A, Revised-31B (12 F. R. 6724), is hereby revoked as of the effective date of this General Permit ODT 18A, Revised-31C.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321; 50 U. S. S. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 31st day of October 1947.

HOMER C. KING,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 47-9848; Filed, Nov. 4, 1947; 8:53 a. m.]

[General Permit ODT 18A, Rev. 33]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF "WHITE ROSE" SEED POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.534 *Shipments of "White Rose" seed potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386), or Items 470 or 475 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of seed potatoes of the variety known as "White Rose" originating at any point in the States of California, Oregon, or Washington and destined to any point in the State of California when such seed potatoes are properly tagged and certified by the official State seed certifying agency, and are loaded to a weight not less than 36,000 pounds.

This General Permit ODT, 18A, Revised-33, shall become effective November 1, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 31st day of October 1947.

HOMER C. KING,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 47-9849; Filed, Nov. 4, 1947; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 19—TRANSPORTATION OF MAILS

MAILS FOR ALASKA

Effective at once, § 19.4a (12 F. R. 705, 901, 1058) is amended by adding a new paragraph (c) reading as follows:

§ 19.4a *Mails for Alaska; winter restrictions.* * * *

(c) Any matter which is not excluded from mails during the winter season may be registered, insured, or sent C. O. D. when addressed to a money-order post office.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ROBERT E. HANNEGAN,
Postmaster General.

[F. R. Doc. 47-9829; Filed, Nov. 4, 1947; 8:54 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

COMMUNICATIONS ACCOMPANYING PARCELS FOR FOREIGN COUNTRIES; SERVICE TO SWITZERLAND

1. Section 21.69 (39 CFR, Part 21) is amended to read as follows:

§ 21.69 *Letters must not accompany parcels.* A communication of the nature of personal correspondence must not accompany or be written on any parcel. However, a parcel may contain an open invoice, confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel, with mention of the address of the sender. If a written communication in the nature of personal correspondence be found in the parcel it shall be placed in the mails if separable, and if not separably attached the entire parcel must be rejected. (See § 21.32 as to rating and marking of short-paid articles.) In the event any such parcels are inadvertently forwarded to destination, the country of destination will collect upon the accompanying communication or communications double the letter rate of postage.

If a parcel of foreign origin is found to contain a written communication, such communication is to be left in the parcel and the parcel forwarded to destination after the wrapper has been

marked with the words "Written communication enclosed." The delivering post office will collect a charge equal to double the postage to which the letter would have been liable had it been mailed separately. The office which first discovers the irregularity is to forward a report thereof to the Deputy Second Assistant Postmaster General, International Postal Transport, Washington 25, D. C.

In the case of parcel post packages for Canada, however, a letter, and for Switzerland, a letter or card, fully prepaid and bearing the same address as that of the parcel, may be tied or otherwise securely attached to the outside of the parcel in such a manner as will prevent its separation therefrom or its interference with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel; stamps to pay postage on the letter must be affixed to the envelope thereof. Parcels to which such letters are attached are treated as parcel post.

2. The following amendments are made to the regulations under the country "Switzerland (including Liechtenstein)" in Subpart B (39 CFR, Part 21):

a. That portion of the item "Regular mails" preceding the subitem "Observations" is amended to read as follows:

(a) *Regular mails.* See Table No. 1 § 21.116, for classifications, rates, weight limits, and dimensions.

(1) *Indemnity.* Not exceeding \$16.33.

(2) *Special delivery.* Fee 20 cents. (See § 21.18.)

(3) *Money-order service.* Temporarily suspended.

(4) *Air-mail service.* Postage rate 15 cents one-half ounce. (See § 21.20, as amended 12 F. R. 6589.)

(5) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 21.3.)

b. The subitems "Observations" and "Prohibitions" under the item "Regular mails" are designated subparagraph "(6) Observations" and subparagraph "(7) Prohibitions" respectively.

c. The item "Parcel-post. (Switzerland including Liechtenstein.)" is designated as paragraph "(b) Parcel-post. (Switzerland including Liechtenstein.)"

d. The table of rates is designated as subparagraph (1) of paragraph (b) and is amended to read as follows:

(1) *Table of rates.*

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1-----	\$0.24	23-----	\$3.72
2-----	.38	24-----	3.86
3-----	.59	25-----	4.00
4-----	.73	26-----	4.14
5-----	.87	27-----	4.28
6-----	1.01	28-----	4.42
7-----	1.15	29-----	4.56
8-----	1.29	30-----	4.70
9-----	1.43	31-----	4.84
10-----	1.57	32-----	4.98
11-----	1.71	33-----	5.12
12-----	2.01	34-----	5.42
13-----	2.15	35-----	5.56
14-----	2.29	36-----	5.70
15-----	2.43	37-----	5.84
16-----	2.57	38-----	5.98
17-----	2.71	39-----	6.12
18-----	2.85	40-----	6.26
19-----	2.99	41-----	6.40
20-----	3.13	42-----	6.54
21-----	3.27	43-----	6.68
22-----	3.41	44-----	6.82

Weight limit: 44 pounds.
 Customs declarations: 1 Form 2966.
 Dispatch note: 1 Form 2972.
 Parcel-post sticker: 1 Form 2922.
 Sealing: Insured parcels must, and ordinary parcels may, be sealed.
 Group shipments: Limited to 3 ordinary parcels.
 Registration: No.
 Insurance: Yes.¹
 C. o. d.: No.
 Exchange Offices: New York.

e. The subitems "Dimensions" and "Storage and Insurance charges" are designated as subparagraphs "(2) Dimensions", "(3) Storage charges", and "(4) Insurance" of paragraph (b).

f. The following new regulation is inserted as subparagraph (5) of paragraph (b):

(5) *Observations.* A letter or card fully prepaid and bearing the same address as that of the parcel may be tied to or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom and not to interfere with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel. Stamps to pay postage on the letter must be affixed to the envelope thereof; or, in case of a post card, to the address side of the card, preferably the upper right-hand portion. Parcels to which such letters or cards are attached are treated as parcel post.

g. The subitem "Prohibitions" under the item "Parcel post" is designated subparagraph "(6) Prohibitions", of paragraph (b), and is amended by deleting the first two paragraphs following the heading "For the protection of animals and plants" and inserting in lieu thereof the following:

For the protection of animals and plants.
 Bees; crude (unmelted) beeswax.

Parasites and predators of injurious insects; unless, intended for the control of those insects and exchanged between officially recognized institutions.

As for shipments of plants, the provisions of the International Phylloxera convention apply, namely: (a) The importation of

grape vines, their shoots, stocks, roots and waste, of used props and trellises, of composts and molds, is prohibited.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

ROBERT E. HANNAGAN,
 Postmaster General.

[F. R. Doc. 47-9828; Filed, Nov. 4, 1947;
 8:54 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE SERVICE TO FOREIGN COUNTRIES; GIFT PARCELS FOR PRISONERS OF WAR HELD IN POLAND

Effective October 16, 1947, the following amendments are made to the regulations under the country "Poland" in Part 21, Subpart B (39 CFR), as amended (12 F. R. 3298):

1. The item "Regular mails" is designated paragraph "(a) Regular mails."

2. The item "Parcel Post. (Poland)" is designated paragraph "(b) Parcel post. (Poland)."

3. A new paragraph (c) is added reading as follows:

(c) *Gift parcels for prisoners of war held in Poland.* Ordinary (unregistered and uninsured) gift parcels not exceeding \$25.00 in value may be sent by parcel post free of postage to prisoners of war held in Poland under the following conditions:

(1) Contents permitted are nonperishable foodstuffs, cigarettes, clothing, soaps and shaving preparations, mailable medicines and similar items of a relief nature. Parcels must not contain any written or printed communication of any kind, except a list of the contents which should be placed inside the parcel.

(2) Maximum weight: 11 pounds. Maximum dimensions: Greatest length, 42 inches. Greatest length and girth combined, 72 inches.

(3) The parcels shall not be sealed, and shall be packed closely, and carefully and securely wrapped in a manner which will facilitate opening for inspection.

(4) Parcels must be clearly marked with the name of the prisoner of war for whom they are intended, and with any information available to the sender with respect to the whereabouts in Poland of the prisoner also, "Care of Polish Red Cross, Warsaw, Poland," should be shown as part of the address. The Polish Red Cross will act as intermediary in the transmittal. The wrappers of the parcels must be endorsed: "Prisoner of War Gift Parcel—Postage Free."

(5) The contents of each parcel shall be listed on a customs declaration (Form 2966), two copies of which shall be affixed to the outside of each parcel. No other postal forms are required to accompany the parcels.

(6) No labels will be required for the sending of parcels to Polish-held prisoners of war. However, not more than one parcel per week may be sent by the same sender to the same Polish-held prisoner of war.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

ROBERT E. HANNAGAN,
 Postmaster General.

[F. R. Doc. 47-9830; Filed, Nov. 4, 1947;
 8:54 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE SERVICE TO FOREIGN COUNTRIES; MAILING STREPTOMYCIN TO GERMANY PROHIBITED

The item "Prohibitions", as amended (12 F. R. 3303, 4249, 4790, and 5923), of the regulations under the country "Germany" (39 CFR Part 21) is further amended by the addition of a new paragraph reading as follows:

The transmission of Streptomycin in the mails (air or surface, including parcel post) to Germany is prohibited.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

This amendment shall be effective at once.

[SEAL]

ROBERT E. HANNAGAN,
 Postmaster General.

[F. R. Doc. 47-9831; Filed, Nov. 4, 1947;
 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 912]

HANDLING OF MILK IN DUBUQUE, IOWA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEP- TIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of the filing with

¹ The insurance service to Switzerland (including Liechtenstein) is suspended.

the Hearing Clerk of recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.). Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this recommended decision in the

FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the proposed amendments was conducted at Dubuque, Iowa, on August 28, 1947 after the issuance of notice on August 15, 1947 (12 F. R. 5672).

The material issues presented on the record were whether the prices for Class I milk and Class II milk should be increased 50 cents per hundredweight and whether certain provisions of the order should apply to a handler who disposed of a greater portion of his milk as Class I milk and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act. There was reference in the evidence to an alleged need for minimum "floor" prices for Class I milk and Class II milk for September through December 1947,

and to a proposal for an even-production incentive plan of making payments to producers. All evidence, however, within the scope of the notice of hearing, was fragmentary and inconclusive.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing, it is hereby found and concluded that the amendments should not be issued.

The record does not evidence the need of an increased price for Class I milk and Class II milk. There was no evidence showing a current need of any change with respect to the application of certain provisions of the order, to a handler disposing of most of his Class I milk and Class II milk in another marketing area. The evidence, within the scope of the notice of hearing, fails to disclose the need for any change or amendment to the program.

Rulings on proposed findings and conclusions. Briefs were filed by the Duquesne Cooperative Dairy Marketing Association, Beatrice Foods Company, Oakland Farms Dairy Company, and Brookside Dairy.

Every point covered in the briefs with respect to the amendments proposed in the notice of hearing was carefully considered, along with the evidence in the record in making the finding and reaching the conclusion hereinbefore set forth. To the extent that any findings and conclusions were proposed which are inconsistent with the proposed finding and conclusion contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusion in this recommended decision.

Filed at Washington, D. C., this 31st day of October 1947.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 47-9867; Filed, Nov. 4, 1947;
8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 20]

MODIFICATION OF UNIFORM SYSTEM OF
ACCOUNTS FOR PIPE LINES

PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 28th day of October A. D. 1947.

The matter of the "Uniform System of Accounts for Pipe Lines" being under consideration by the division pursuant to the provisions of section 20 of the Interstate Commerce Act, as amended, and the modifications which are attached hereto and made a part hereof being deemed necessary for administration of Part I of the act (34 Stat. 584, 54 Stat. 917, 49 U. S. C. 20 (3)); *It is ordered, That:*

(1) Any interested party may on or before November 29, 1947, file with the Commission's Secretary a written statement of reasons why the said modifications should not become effective as hereinafter ordered and request oral argument thereon, which request will be granted if the reasons be substantial; and,

(2) Unless otherwise ordered after consideration of such objections, the said modifications shall become effective January 1, 1948; and

(3) A copy of this order shall be served upon every carrier by pipe line subject to the act and upon every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by deposit with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

INTRODUCTION

1. In § 20.0-3 *Unaudited items* cancel the first sentence of the text and substitute the following: "When the amount of a known revenue, expense, or income item cannot be accurately determined in time for inclusion in the account, of the calendar year in which the transaction occurs, the amount shall be estimated and included in the appropriate accounts, and the necessary adjustments shall be made when the item is audited."

BALANCE-SHEET ACCOUNTS

2. In § 20.20 *Other current assets* substitute a comma for the period at the end of the first sentence of the text and add the following: "such as estimates of unaudited current items which are credited to operating revenues, operating expenses, or income accounts in accordance with § 20.0-3 *Unaudited items*."

3. In § 20.28 *Other deferred debits* change the comma, which follows the expression "such as store expenses," to a semicolon and eliminate the succeeding portion of the text which reads:

"items credited to operating revenues, operating expenses, income, or surplus, on an estimated basis in accordance with § 20.0-3 *Unaudited items*;"

4. In § 20.69 *Other current liabilities* change the period at the end of the text to a comma and add the following: "such as estimates of unaudited current items (other than the liability for casualties) which are charged to operating revenue, operating expense, or income accounts in accordance with § 20.0-3 *Unaudited items*; and retained percentages due to contractors to be paid upon completion of contract."

NOTE: Estimated liability for injuries to persons and for loss and damage claims shall be included in account 73, "Operating reserves."

5. In paragraph (a) of § 20.74 *Accrued depreciation; carrier property* and in paragraph (a) of § 20.76 *Accrued depreciation; miscellaneous physical property* reference is made to an account styled "Delayed income debits." In both texts change the number of that account from 311, as shown, to "424," as it appears to § 20.424 *Delayed income debits*.

6. In paragraph (a) of § 20.78 *Other deferred credits* cancel the words "retained percentages due to contractors to be paid upon completion of contract;" and also the words "and items charged to operating revenues, operating expenses, income, or surplus on an estimated basis in accordance with § 20.0-3 *Unaudited items*."

OPERATING REVENUES

INSTRUCTIONS

7. At the end of paragraph (a) in § 20.0-62 *Statement of operating revenue accounts* change the reference to accounts 78, "Other deferred credits," and 28, "Other deferred debits," to read accounts 69, "Other current liabilities," and 20, "Other current assets," respectively.

OPERATING EXPENSE ACCOUNTS

OTHER EXPENSES

8. In § 20.634 *Injuries to persons*, § 20.636 *Damage to property*, and § 20.639 *Casualty losses*, add the following paragraph to each of the texts:

This account shall also include amounts representing the estimated liability for current casualties. Items which would not appreciably affect the accounts need not be anticipated.

[F. R. Doc. 47-9841; Filed, Nov. 4, 1947;
8:54 a. m.]

NOTICES

[Vesting Order 9900]

AUGUSTA SCHOLZ

In re: Rights of Augusta Scholz under Insurance Contract. File No. D-28-11633-H1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Scholz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the net proceeds due or to become due under a contract of insurance

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

evidenced by Policy No. 81H396010-44 issued by the Mutual Benefit Health and Accident Association, Omaha, Nebraska, to Carl G. E. Scholz, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 1, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9852; Filed, Nov. 4, 1947;
8:53 a. m.]

[Vesting Order 9937]

ALBERT R. HARCK

In re: Guardianship of Albert R. Harck, a minor. File D-66-1349; E. T. sec. 8332.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert R. Harck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of \$1,500.00 deposited on January 6, 1944 with the County Treasurer of Whiteside County, Illinois, Depositary, to the credit of Albert R. Harck pursuant to an order of the County Court of Whiteside County, Illinois, in the matter of the guardianship of Albert R. Harck, a minor, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Whiteside County, Illinois, as Depositary, acting under the judicial supervision of the County Court of Whiteside County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9853; Filed, Nov. 4, 1947;
8:54 a. m.]

[Vesting Order 9940]

CHARLES F. KOHLHEPP

In re: Estate of Charles F. Kohlhepp, deceased. File No. D-28-11840; E. T. sec. 16046.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gottfried Krell, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Charles F. Kohlhepp, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Frederick B. Kohlhepp as Administrator C. T. A., acting under the judicial supervision of the Surrogate's Court, Westchester County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9854; Filed, Nov. 4, 1947;
8:54 a. m.]

[Vesting Order 9942]

FRIEDA KUTHE

In re: Estate of Frieda Kuthe, deceased. File No. D-28-11992; E. T. sec. 16172.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Gottschalk and Ella Brauckmüller (named Ella Brauckmüller in the Will), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Frieda Kuthe, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Carl Bluetngen and Robert Emmet O'Farrell, as Co-executors, acting under the judicial supervision of the Surrogate's Court of Queens County, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9855; Filed, Nov. 4, 1947;
8:54 a. m.]

[Vesting Order 9959]

INE IIDA

In re: Debt owing to Ine Iida. F-39-6059-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ine Iida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Ine Iida, by Hawaiian Trust Company, Limited, Honolulu 2, T. H., in the amount of \$1,018.75, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9856; Filed, Nov. 4, 1947;
8:54 a. m.]

No. 217—14

[Vesting Order 9971]

VERMOEGENSVERWALTUNG UND ABWICK-
LUNGSSTELLE G. M. B. H.

In re: Stock owned by Vermoögensverwaltung und Abwicklungsstelle G. m. b. H. F-28-1663-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vermoögensverwaltung und Abwicklungsstelle G. m. b. H., the last known address of which is Munich, Germany, is a limited liability company, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Fifteen (15) shares of no par value common, class A capital stock of North American Rayon Corporation, 261 Fifth Avenue, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 03400, registered in the name of Cudd & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9857; Filed, Nov. 4, 1947;
8:54 a. m.]

[Vesting Order 9977]

JOSEPHINE A. YANAGIHARA

In re: Stock owned by and debt owing to Josephine A. Yanagihara, also known as Josephine Aiko Yanagihara. F-39-4147-A-1, F-39-4147-C-1, F-39-4147-D-1, F-39-4147-D-2, F-39-4147-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josephine A. Yanagihara, also known as Josephine Aiko Yanagihara, whose last known address is 631 Banchi, Waizumi Machi, Suginami-ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Five shares of \$25 par value common capital stock of Hawaiian Commercial and Sugar Company, Limited, Puunene, Maui, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number HO-2155, dated January 25, 1938, registered in the name of Josephine Aiko Yanagihara, together with all declared and unpaid dividends thereon,

b. Twenty-five shares of \$20 par value common capital stock of Pioneer Mill Company, Limited, c/o American Factors, Limited, Fort and Queen Streets, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 17306, dated January 19, 1938, registered in the name of Josephine Aiko Yanagihara, together with all declared and unpaid dividends thereon,

c. Eighteen shares of \$20 par value common capital stock of Oahu Sugar Company, Limited, c/o American Factors, Limited, Fort and Queen Streets, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 26167, dated January 15, 1938, registered in the name of Josephine Aiko Yanagihara, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Josephine A. Yanagihara, by National Mortgage and Finance Company, Limited, 1030 Smith Street, Honolulu, T. H., in the amount of \$206.76, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9858; Filed, Nov. 4, 1947;
8:55 a. m.]

[Vesting Order 9996]

MRS. BERTHA BECKER

In re: Stock owned by Mrs. Bertha Becker. F-28-28553-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Bertha Becker, whose last known address is Greenland 15, Apolda, Thuringen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Four (4) shares of \$100.00 par value preferred capital stock of Columbian Art Works, Inc., Milwaukee, Wisconsin, a corporation organized under the laws of the State of Wisconsin, evidenced by certificates numbered 191 and 339 for two (2) shares each, registered in the name of Mrs. Bertha Becker, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9859; Filed, Nov. 4, 1947;
8:55 a. m.]

[Vesting Order 9999]

FRANCES HEIL

In re: Bank account, stock, bonds and certificates of deposit owned by Frances Heil. F-28-6335-A-1, F-28-6335-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frances Heil, whose last known address is 21, Leihgesternerweg, Giessen Hessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Frances Heil, by Ampere Bank and Trust Company, 224 North 18th Street, East Orange, New Jersey, arising out of a savings account, account number 6576, entitled Frances Heil, and any and all rights to demand, enforce and collect the same,

b. Twenty (20) shares of \$1.00 par value common capital stock of Hotel Waldorf-Astoria Corporation, 301 Park Avenue, New York, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate number 02585, registered in the name of Frances Heil, and presently in the custody of Ampere Bank and Trust Company, 224 North 18th Street, East Orange, New Jersey, together with all declared and unpaid dividends thereon,

c. Four (4) shares of Class A common capital stock of United Crescent Dry Cleaning Corp., 511 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 25, registered in the name of Frances Heil, and presently in the custody of Ampere Bank and Trust Company, 224 North 18th Street, East Orange, New Jersey, together with all declared and unpaid dividends thereon,

d. Two (2) National Commercial Title & Mortgage Guaranty Co. Bonds, Series GG, of \$860.00 face value each, bearing the numbers C434 and C435, registered in the name of Frances Heil, and presently in the custody of Ampere Bank and Trust Company, 224 North 18th Street, East Orange, New Jersey, together with any and all rights thereunder and thereto,

e. One (1) Hotel Waldorf-Astoria Corporation 5% Sinking Fund Income Debenture, due September 1, 1954, of \$1000.00 face value, bearing the number

M7175, registered in the name of Frances Heil, and presently in the custody of Ampere Bank and Trust Company, 224 North 18th Street, East Orange, New Jersey, together with any and all rights thereunder and thereto,

f. Two (2) Certificates of Deposit for two Detroit International Bridge 6½% Bonds, due August 1, 1952, of \$1000.00 face value each, bearing the numbers NCDM1072 and NCDM1073, registered in the name of Frances Heil, and presently in the custody of Ampere Bank and Trust Company, 224 North 18th Street, East Orange, New Jersey, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9860; Filed, Nov. 4, 1947;
8:55 a. m.]

[Vesting Order 10000]

IMANAKA SHOTEN

In re: Debts owing to Imanaka Shoten. F-39-6063-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Imanaka Shoten, the last known address of which is Hiroshima, Japan, is a corporation, partnership, association or other organization, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hiroshima, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations evidenced by three exchange drafts drawn by Yamasaki & Co., Ltd., Hiroshima, Japan, for, and on behalf of, Imanaka Shoten, on, and accepted by, Z. Nakamoto Shoten, Hilo, T. H., also known as Ichinoya Store, Hilo, T. H., and presently held by the Trustees for Creditors and Stockholders of The Sumitomo Bank of Hawaii, in Dissolution, P. O. Box 1200, Honolulu, T. H., for collection and credit to the aforesaid Imanaka Shoten, which drafts are identified as follows:

Draft No.	Date of instrument	Date of acceptance	Due date	Amount
P/K958.....	11-21-40	12-2-40	3-2-41	\$1,149.37
P/K1046.....	12-26-40	1-11-41	4-11-41	322.22
P/K61.....	2-12-41	2-24-41	5-25-41	319.93

together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid drafts and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9861; Filed, Nov. 4, 1947; 8:55 a. m.]

[Vesting Order 10001]

HATSUHIKO KOAKUTSU

In re: Bank account owned by Hatsuhiiko Koakutsu, also known as Rev. H. Koakutsu. F-39-6060-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hatsuhiiko Koakutsu, also known as Rev. H. Koakutsu, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Hatsuhiiko Koakutsu, also known as Rev. H. Koakutsu, by Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account Number 5476, entitled Rev. H. Koakutsu, maintained at the branch office of the aforesaid bank located at Kahului, Maui, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9862; Filed, Nov. 4, 1947; 8:55 a. m.]

[Vesting Order 10012]

SHIZU AND GENJIN TATSUTANI

In re: Bank account owned by Shizu Tatsutani and Genjin Tatsutani, also known as Genshin Tatsutani. File No. D-39-18108-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shizu Tatsutani and Genjin Tatsutani, also known as Genshin Tatsutani, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obliga-

tion of the Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 162047, entitled Genjin & Shizu Tatsutani "Either or the Survivor," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of the Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a checking account, entitled Genjin Tatsutani, and any and all rights to demand, enforce and collect, the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Genjin Tatsutani, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9863; Filed, Nov. 4, 1947; 8:55 a. m.]

[Vesting Order 10073]

ELEANORE ANNETTE WEINBERGER ET AL.

In re: Carl L. Nitze, Trustee under Deed of Trust of Eleanore Annette Weinberger dated July 30, 1926 vs. Henry Schuermann, Eleanore Mueller and Alma Alwine Lisette Gerhardt. File No. F-28-14855.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That Alma Alwine Lisette Gerhardt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to all income accumulated for the benefit of Eleanore Annette Weinberger as of January 28, 1945 under a certain Deed of Trust dated July 30, 1926 from Eleanore Annette Weinberger to Carl L. Nitze, as Trustee, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Carl L. Nitze, as Trustee, acting under the judicial supervision of the Circuit Court of Baltimore City, Maryland.

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9864; Filed, Nov. 4, 1947;
8:55 a. m.]

[Return Order 57]

BABETTE BREHM

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Babette Brehm, Berks County, Pa., Claim No. 4854; 12 F. R. 6267, September 18, 1947; \$167.60 in the Treasury of the United States.

¹ Filed as part of the original document.

A one-ninth undivided interest in real property described as follows: "The West One-half (W $\frac{1}{2}$) of Section Ten (10), and the Southeast One-quarter (SE $\frac{1}{4}$) of Section Ten (10), and the North One-half (N $\frac{1}{2}$) of Section Fifteen (15), all in Township Two (2), South Range Thirty-Eight (38) West of the Six Principal Meridian, in Cheyenne County, Kansas;"

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9865; Filed, Nov. 4, 1947;
8:56 a. m.]

[Vesting Order 9948]

IDA WEAVER WAERS

In re: Estate of Ida Weaver Waers, deceased. -File D-28-11428; E. T. Sec. 15663.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Wik Ducklingen, Sophia Weber, Olivia Riede, Helena Handloser, Wilhelmina Wik, Erma Wik, Helmuth Hirth, Hortense Geroundet, Gottfried Weber, Angelica Wik (Arthur Wik, Guardian) Arthur Wik, Joseph Wik and Amelia Wik Johler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Ida Weaver Waers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles S. Bradshaw, as Administrator, acting under the judicial supervision of the District Court of the State of Iowa in and for Polk County;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9816; Filed, Nov. 3, 1947;
8:48 a. m.]

[Vesting Order 9970]

ADOLF AND FLORA ULLMANN

In re: Stock owned by Adolf Ullmann and Flora Ullmann. F-28-22568 D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Ullmann and Flora Ullmann, whose last known address is Frankfurt a/Main, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of no par value common, class B capital stock of North American Rayon Corporation, 261 Fifth Avenue, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number BX6432, registered in the names of Adolf Ullmann and Flora Ullmann, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of \$50 par value 6% prior preferred capital stock of North American Rayon Corporation, 261 Fifth Avenue, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number PR02223, registered in the names of Adolf Ullmann and Flora Ullmann, together with all declared and unpaid dividends thereon, and any and all rights to the proceeds of redemption thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9817; Filed, Nov. 3, 1947;
8:48 a. m.]

[Vesting Order 9988]

CHRISTIAN F. REIHS

In re: Estate of Christian F. Reihs, sometimes known as Christian F. Reiss, deceased. File D-28-11609; E. T. sec. 15821.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Elsa Reiss Strobel, Carl Reiss and Gustav Reiss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Carl Reiss and the heirs, names unknown, of Gustav Reiss, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Christian F. Reihs, sometimes known as Christian F. Reiss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Bank of America National Trust and Savings Association, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Carl Reiss and the heirs, names unknown, of Gustav Reiss are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9818; Filed, Nov. 3, 1947;
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7425, 7427]

LYCOMING COUNTY BROADCASTING CO. AND
WILLIAMSPORT RADIO BROADCASTING ASSOCIATES

ORDER REOPENING HEARING

In re applications of Lycoming County Broadcasting Company, Williamsport, Pennsylvania, Docket No. 7425, File No. BP-4298; Harry J. W. Kiessling, Carl F. Stroehmann and William P. Wilson, d/b as Williamsport Radio Broadcasting Associates, Docket No. 7427, File No. BP-4549; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of October 1947:

The Commission having under consideration its Proposed Decision in the above entitled proceedings; the exceptions thereto filed on behalf of the Lycoming County Broadcasting Company; the petition of the Lycoming County Broadcasting Company to reopen the hearing in this proceeding for the purpose of admitting alleged newly discovered evidence concerning unsatisfied judgments against a former partner of the partnership of Harry J. W. Kiessling, Carl F. Stroehmann, and William P. Wilson, d/b as Williamsport Radio Broadcasting Associates; and concerning a cease and desist order of the Federal Trade Commission entered under the Robinson-Patman Act against one of the present partners of said partnership and against business organizations with which he was then associated; the opposition filed by Harry J. W. Kiessling, Carl F. Stroehmann and William P. Wilson, d/b as Williamsport Radio Broadcasting Associates to said petition to reopen the hearing; and the oral argument of Counsel for the parties on October 9, 1947;

It appearing, that the taking of evidence with respect to the matters alleged in the said petition to reopen the hearing in this proceeding would best conduce to the proper dispatch of the Commission's business and to the ends of justice;

It is ordered, That the said petition of Lycoming County Broadcasting Company be, and it is hereby, granted; and

It is further ordered, That the record of said hearing of the above-entitled application be, and it is hereby, reopened for further hearing at Washington, D. C. at 10 a. m. on the 1st day of December 1947, to permit the taking of evidence

with respect to the matters alleged in said petition.

Released: October 27, 1947.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9843; Filed, Nov. 4, 1947;
8:52 a. m.]

[Docket No. 8468]

MARTINSVILLE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Martinsville Broadcastings Commission held at its offices in Washington, D. C., on the 14th day of October 1947;

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of October 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new Class B FM broadcast station at Martinsville, Virginia;

It appearing, that the applicant is licensee of AM Broadcast Station WMVA, at Martinsville, Virginia, and in the operation of such station since 1942 has applied a policy against the broadcasting of certain controversial public issues, and has stated that it will continue to apply this policy in the future; that the applicant proposes to duplicate the programs of its AM broadcast station for certain periods over its proposed FM broadcast station; and that the applicant has not indicated whether its said policy against the broadcasting of certain controversial public issues will be applied to its proposed FM operation; and

It further appearing, that in view of the foregoing the Commission is unable to determine whether the operation of the proposed FM station will be in the public interest;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the above-entitled application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order, upon the following issues:

1. To determine the applicant's proposed program plans and policies, particularly with respect to the broadcasting of programs containing certain controversial public issues and whether such program plans and policies are in the public interest;

2. To determine whether the application should be granted.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9844; Filed, Nov. 4, 1947;
8:52 a. m.]

[Docket No. 8522]

CRESCENT BAY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Crescent Bay Broadcasting Company, Santa Monica, California, Docket No. 8522, File No. BPH-1349; for FM construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new Class A FM broadcast station at Santa Monica, California;

It appearing, that on April 23, 1947, May 22, 1947, June 26, 1947, and August 28, 1947, the Commission adopted orders designating for hearing in a consolidated proceeding the applications (Docket Nos. 8318 to 8332, inclusive, and 8334, 8442, 8471, and 8501) requesting construction permits for new Class A FM broadcast stations in the Los Angeles, California, area which applications are or may be in conflict with the above-entitled application;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of the Crescent Bay Broadcasting Company (File No. BPH-1349) be, and it is hereby, designated for hearing in the said consolidated proceeding (Docket Nos. 8318 et al.) upon issues "1" to "6" inclusive as set forth in the Commission's order of April 23, 1947, as a time and place to be designated by subsequent order of the Commission.

It is further ordered, That the Commission's order of April 23, 1947, be, and it is hereby, amended to include the application of the Crescent Bay Broadcasting Company (File No. BPH-1349).

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] T. J. SLOWIE,
Secretary.[F. R. Doc. 47-9845; Filed, Nov. 4, 1947;
8:53 a. m.]

[Docket Nos. 8245, 8547]

PHILIP MATHEWS AND PENN LINCOLN
BROADCASTING CO., INC.ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Philip Mathews, Carlisle, Pennsylvania, Docket No. 8245, File No. BP-5545; Penn Lincoln Broadcasting Company, Inc., Carlisle, Pennsylvania, Docket No. 8547, File No. BP-5441; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station

to operate on 1380 kc, 1 kw power, day-time only, at Carlisle, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.[F. R. Doc. 47-9846; Filed, Nov. 4, 1947;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6080]

IDAHO POWER CO.

NOTICE OF ORDER AMENDING ORDER AUTH-
ORIZING ISSUANCE OF SECURITIES

OCTOBER 30, 1947.

Notice is hereby given that, on October 30, 1947, the Federal Power Commission issued its order entered October 29, 1947, amending order authorizing issuance of securities in the above entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 47-9835; Filed, Nov. 4, 1947;
8:46 a. m.]INTERSTATE COMMERCE
COMMISSION

[S. O. 396, Special Permit 339]

RECONSIGNMENT OF APPLES AT KANSAS
CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., October 26, 1947, by Brown Loe Produce Co., of car MDT 44051, apples, now on the MOP to Chandler & Sons, Cedar Rapids, Iowa (Milw).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of October 1947.

HOMER C. KING,
Director,
Bureau of Service.[F. R. Doc. 47-9838; Filed, Nov. 4, 1947;
8:46 a. m.]SECURITIES AND EXCHANGE
COMMISSION

[File No. 7-1018]

CHESAPEAKE AND OHIO RAILWAY CO.

NOTICE OF APPLICATION FOR UNLISTED
TRADING PRIVILEGES, AND OF OPPORTUNITY
FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of October A. D. 1947.

The Cleveland Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, \$25.00 par value, of The Chesapeake and Ohio Railway Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to November 29, 1947, the Commission will set this matter down for hearing. In addition, any interested person may

submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-9837; Filed, Nov. 4, 1947;
8:46 a. m.]

[File No. 70-1648]

ELECTRIC BOND AND SHARE CO. AND
CAROLINA POWER & LIGHT CO.

SUPPLEMENTAL ORDER GRANTING AND PER-
MITTING JOINT APPLICATION-DECLARATION
TO BECOME EFFECTIVE AND RELEASING
JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of October A. D. 1947.

The Commission having, by order dated October 24, 1947, granted and permitted to become effective a joint application-declaration of Electric Bond and Share Company ("Bond and Share"), a registered holding company, and its subsidiary, Carolina Power & Light Company ("Carolina"), regarding, among other things, the issue and sale by Carolina by means of an offer to its common stockholders of 90,935 shares of common stock and the sale to underwriters of shares not subscribed for by Carolina common stockholders, together with such shares as might be acquired by Carolina in connection with stabilization operations; and

Said order having also exempted from the competitive bidding requirements of Rule U-50 the sale to underwriters of the unsubscribed stock and having reserved jurisdiction as to the price to be

paid Carolina for said common stock, the compensation to be paid to the underwriters, the terms and conditions of the underwriting agreement, and all legal fees and expenses to be paid in connection with the proposed transaction; and

The Commission having withheld any determination with respect to the proposals by Bond and Share concerning the exercise or disposition of its rights in connection with said offering of common stock by Carolina; and

Bond and Share and Carolina having filed an amendment to said joint application-declaration, which amendment may be summarized as follows:

(1) Carolina has entered into an agreement with a group of underwriters headed by Merrill, Lynch, Pierce, Fenner & Beane providing in substance that Carolina will issue to its common stockholders of record as of October 29, 1947 warrants for the purchase of 90,935 shares of common stock at a price of \$30 per share, of which 42,340 shares are to be subscribed for by Bond and Share. The underwriters will, at the expiration of such warrants on November 20, 1947, purchase at a price of \$30 per share any of the 48,595 shares of common stock which are not subscribed for by holders other than Bond and Share, plus 600 shares acquired by Carolina in connection with its stabilization operations. The compensation to be paid the underwriters will be as follows: (a) The Company will pay the underwriters a sum equal to \$1.15 per share with respect to the 48,595 shares of common stock underwritten (whether or not subscribed for) plus an additional sum (providing the total number of shares of unsubscribed for common stock exceeds 4,859 shares) equal to 75¢ per share in respect of all shares of common stock purchased by the underwriters, and (b) the company will receive 50% of the amount, if any, by which the price at which shares of unsubscribed common stock sold by the underwriters shall exceed the price of \$30; and

(2) Bond and Share will subscribe for the 42,340 shares of additional common stock to which it will be entitled at the subscription price of \$30 per share. Bond and Share will sell the shares thus obtained to the same group of underwriters headed by Merrill, Lynch, Pierce,

Fenner & Beane at a price of \$30.95 per share (such shares to be initially offered to the public by the underwriters at a price of \$32.00 per share). In connection with such sale, Bond and Share requests an exemption from the competitive bidding requirements of Rule U-50. Bond and Share has also requested that in connection with the stabilization operations to be conducted by the underwriters, it be authorized to lend to the underwriters from its present holdings of the common stock of Carolina not to exceed 4,200 shares of such common stock.

The record having been completed with respect to the nature and extent of the legal services rendered by Reid & Priest for which a fee of \$7,500 is requested; and

The Commission having considered the application-declaration of Bond and Share with respect to the transactions proposed by it, including the requested exemption from the requirements of Rule U-50, and being of the opinion that such exemption may, under all the circumstances of this case, appropriately be granted, and the Commission having examined in other respects the joint application-declaration filed by Bond and Share and Carolina, and having considered the record herein and finding that the proposed transactions meet the applicable standards of the act, and finding no basis for adverse findings or for imposing terms and conditions with respect to such matters:

It is ordered, That the application by Bond and Share for exemption from the provisions of Rule U-50 be, and hereby is, granted; and

It is further ordered, That pursuant to the applicable provisions of the act, the aforesaid joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and that the jurisdiction heretofore reserved over the proposed transactions be, and the same hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-9836; Filed, Nov. 4, 1947;
8:46 a. m.]

